

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
ADULT AND FAMILY SERVICES DIVISION**

**CHAPTER 1240-4-6  
LICENSURE RULES FOR CHILD CARE CENTERS SERVING SCHOOL-AGE CHILDREN**

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**1240-4-6-.01 INTRODUCTION.**

- (1) **Scope Of Services.** These rules are applicable to child welfare agencies providing child care services to children at least five (5) years of age who are enrolled in kindergarten through their minority.
- (2) **Purpose Of Licensing.** The primary purpose of licensing is the protection of children. These minimum requirements seek to maintain adequate health, safety, and supervision of children while in child care. Developmental child care provides educational experiences and guidance, health services, and social services to children and their families.
- (3) **Child Care Services** may be offered by family child care homes, group child care homes, child care or child development centers, public schools, recreational organizations (e.g., YMCA or Boys Club), among others.
- (4) **Legal Basis For Licensing.** *T.C.A. §§71-3-501 through 71-3-533* provide for the defining, inspection, licensing, and regulation of child welfare agencies. The Tennessee Department of Human Services (DHS) has responsibility for licensing most agencies offering non-residential child care to groups of children, including child care centers, family child care homes, group child care homes, and prescribed child care centers. The Tennessee Department of Children's Services (DCS) regulates child-abuse agencies, child-caring institutions, child-placing agencies, detention centers, family boarding homes, group care homes, maternity homes, and temporary holding resources pursuant to *T.C.A. §71-3-501*. The Tennessee Department of Education regulates child care provided by schools pursuant to *T.C.A. §49-2-203(b) (11) (A)* and by church-related schools as defined in *T.C.A. §49-50-801*.

**Authority:** *T.C.A. §§4-5-201 et seq., 71-1-105(12) and 71-3-501 et seq. Administrative History:* Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998.

**1240-4-6-.02 DEFINITIONS.**

For purposes of this chapter, the following definitions are applicable:

- (1) **Annual License.** An annual permit issued by the Department to a child welfare agency, authorizing the licensee to provide child care in accordance with provisions of the license, the law, and requirements (rules) of the Department. Issuance of a license is not an endorsement of child care methods or of an agency's operational philosophy. A license is not transferable from one location to another or from one licensee/operator to another. The license may be revoked at any time upon ninety (90) days notice to

(Rule 1240-4-6-.02, continued)

- the licensee, or if the health, safety or welfare of the children in care imperatively requires it, may be suspended immediately.
- (2) **Approval.** Public agencies, as defined in *T.C.A. §§71-3-501 and 71-3-518*, receive an approval rather than a license. An approved agency shall meet the same requirements and is evaluated in the same manner as a licensed agency. The term is also applied to homes with fewer than five children that are satellites of a licensed child care center or child-placing agency (see *T.C.A. §71-3-504*).
  - (3) **Caregiver Or Care Provider.** The entity or person(s) responsible for meeting the supervision, protection, and basic needs of the child.
  - (4) **Central Operator.** The individual(s), or the corporation, partnership, cooperative or other private or public entity of any kind, who or which, through their authorized representative(s), in addition to other activities, if any, owns, administers, or operates a child care system. The central operator shall have ultimate responsibility for the administration/operation of any or all child care homes and child care centers in the system and shall, together with the primary caregiver, sign the application for a license. The central operator shall be the licensee.
  - (5) **Child Or Children.** A person or persons under eighteen (18) years of age.
  - (6) **Child Care.** The provision of supervision, protection, and meeting, at a minimum, the basic needs of a child for more than three (3) hours a day, but less than twenty-four (24) hours a day.
  - (7) **Child Care Center.** Any place or facility operated by any entity or person which provides child care for thirteen (13) or more children.
  - (8) **Child Care System.** The existence of any child care homes approved or licensed and used by a licensed and incorporated child care agency or a licensed child-placing agency in its work; or the existence of two (2) or more facilities used for child care purposes which facilities are under the ownership, administration, or control of any individual(s), corporation, partnership, cooperative, or other public or private entity of any kind.
  - (9) **Child Welfare Agency.** Includes “child abuse agency”, “child-caring institution”, “child-placing agency”, “child care center”, “family boarding home” or “foster home”, “family child care home”, “group care home”, “group child care home”, “maternity home”, “prescribed child care center” and “temporary holding resources” as defined in *T.C.A. §71-3-501(b)*.
  - (10) **Conditional License.** A permit issued by the Department to a new child welfare agency or to a new child care system central operator, permitting and authorizing the licensee to begin child care operations. It is valid, unless suspended, for ninety (90) days or until the application for an annual license is finally determined, and is issued upon application by the operator only if the staff and facility do not present any apparent hazards to the children that may be in care and only if the facility has received fire safety and environmental sanitation approval. If, at the end of the ninety (90) day period, evidence is provided by the applicant/licensee that such child welfare agency is suitable and properly managed and that the agency is in compliance with these rules, the Department will issue an annual license to the child welfare agency.
  - (11) **Day Care.** Synonymous with definition of child care, above.
  - (12) **Department (DHS).** The Tennessee Department of Human Services and its representatives.
  - (13) **Developmentally Appropriate.** As defined by the National Association for the Education of Young Children, developmentally appropriate practice is the use of child development knowledge to identify the range of appropriate behaviors, activities, and materials for a specific age group. This knowledge is

(Rule 1240-4-6-.02, continued)

- used in conjunction with understanding about individual children's growth patterns, strengths, interests, and experiences to design the most appropriate learning environment. Developmentally appropriate curriculum provides for all areas of a child's development: physical, emotional, social, and cognitive, through an integrated approach.
- (14) Director. The person with overall responsibility for the child care program.
  - (15) Group. A specific number of children comprising an age range, assigned to specific staff in an assigned space which is divided from the space of other groups by a recognizable barrier to define limits and to reduce distraction.
  - (16) High School Diploma. As used in the context of caregivers' qualifications, refers to a document recognizing graduation from a legally approved institution, public or private, based on the issuing state's required number of academic credits, including passing a GED test. As used in this Chapter, a certificate or statement of attendance or similar document, or correspondence or video courses, do not qualify as/or for a high school diploma.
  - (17) Infant. A child who is six (6) weeks through fifteen (15) months of age.
  - (18) Kindergarten. For licensing purposes, the definition of a child care center excludes kindergarten programs for five-year-old children operated on essentially the same time schedule as public school kindergartens. A kindergarten may be part of a public or private school system or may be operated independently. If the agency serves children under five years of age or exceeds the time schedule normally observed by public kindergartens, it shall be licensed.
  - (19) Law. Statutory or regulatory provisions affecting the operation of a child welfare agency including, but not limited to, the licensing law as contained in *T.C.A. §§71-3-501 through 71-3-533*, Chapter 1240-5-11, and these rules.
  - (20) Licensee. The person, agency, group, or entity to whom a license to operate a child care center is issued and who shall assume ultimate responsibility for the child care center. References to a licensee in the requirements also apply to operators of an agency seeking or having received an approval.
  - (21) Parent. A biological, legal, or adoptive parent, guardian or legal or physical custodian who has primary responsibility for a child.
  - (22) Preschool Child. A child who is six (6) weeks through five (5) years of age.
  - (23) School-Age Child. A child who is five (5) years of age and enrolled in kindergarten or older (generally through grade six).
  - (24) Staff. Full and part-time caregivers, employees, or unpaid volunteers.
  - (25) Substitute. Paid or unpaid persons who are replacements for regular staff. The names, addresses, telephone numbers and dates of service shall be recorded for all substitutes in the staff personnel records of the center and substitutes shall comply with the orientation requirements of 1240-4-6-.07(3)(c) and (d). Substitutes acting as caregivers shall meet the training requirements of 1240-4-6-.07(3)(f)5 if they have acted as caregivers for two hundred (200) or more hours in the previous calendar year. Substitutes providing services for thirty-six (36) hours or more in a calendar year are required to have a criminal background check pursuant to 1240-4-6-.07(1)(f), and shall meet the same requirements as regular staff for physical examinations as required by 1240-4-6-.11(3)(a); provided, however, for purposes of 1240-4-6-.07(f) persons serving temporarily as caregivers in field service placements as part of an educational course of study or other curriculum requirement shall not be considered as substitutes for purposes of this rule.

(Rule 1240-4-6-.02, continued)

- (26) Toddler. A child who is twelve (12) months through thirty (30) months of age.
- (27) Two (2) year old. A child who is twenty-four (24) through thirty-five (35) months of age.
- (28) Volunteer. A person who provides services for a child care center without payment and who is used to supplement regular staff or substitutes. The volunteer shall not be used to meet classroom adult:child ratios. The names, addresses, telephone numbers and dates of service shall be recorded for all volunteers in the staff personnel records of the center.
- (29) Youth. A person who is ten (10) years of age through seventeen (17) years of age.

**Authority:** T.C.A. §§4-5-201 et seq., 71-1-105, 71-3-501 et seq., and Acts 2000, ch. 981, §§8 and 14.  
**Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed October 17, 2001; effective December 31, 2001.

#### **1240-4-6-.03 BASIS FOR APPROVAL FOR LICENSING.**

- (1) Annual License - Standards: Tennessee law requires that all child welfare agencies, as defined in T.C.A. §71-3-501, shall be licensed annually by the Department. The license is based on standards developed and published in accordance with the following six points of excellence:
  - (a) The present need for the proposed child welfare agency;
  - (b) The good character and intention of the applicant;
  - (c) The adequate financing of the organization;
  - (d) The capability, training, and experience of the workers employed;
  - (e) The facilities for and the methods of care provided and the consideration of the best interest of the child and the welfare of society in any placement of children to be made; and
  - (f) The probability of permanence of the child welfare agency.
- (2) Conditional License: The provisions of T.C.A. §71-3-506 and Chapter 1240-5-11 are applicable.

**Authority:** T.C.A. §§4-5-201 et seq., 71-1-105(12), and 71-3-501 et seq. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998.

#### **1240-4-6-.04 LEGAL REFERENCES.**

- (1) Issuance of License - Fees. The provisions of T.C.A. §71-3-506 are applicable.
- (2) Inspection of Licensed Agencies. The provisions of T.C.A. §71-3-519 are applicable.
- (3) Public Agencies. Inspection and Report. The provisions of T.C.A. §71-3-518 are applicable.

(Rule 1240-4-6-.04, continued)

- (4) Penalty for and Injunctions Against Unlicensed Operation. The provisions of *T.C.A. §71-3-513* are applicable.
- (5) Denial, Suspension, and/or Revocation of License. The provisions of *T.C.A. §§4-5-320, 71-3-508, 71-3-509, 71-3-510, 71-3-521, 71-3-530*, and Chapter 1240-5-11 are applicable.
- (6) Probation. The provisions of *T.C.A. §71-3-520* are applicable.
- (7) Appeals from Board of Review. The provisions of *T.C.A. §71-3-512* are applicable.
- (8) Annual Reports. The provisions of *T.C.A. §71-3-517* are applicable.
- (9) Consultation:
  - (a) The provisions of *T.C.A. §71-3-505* are applicable.
  - (b) The Department has responsibility for offering consultation to existing child care agencies. Consultation is given directly to staff and boards, on both an individual and group basis, in developing and improving programs and physical facilities. The Department also provides consultation to organizations or individuals interested in opening a child care facility and will direct persons to the proper officials governing health, fire, building, and zoning requirements in each community.

**Authority:** *T.C.A. §§4-5-201 et seq., 4-5-320, 71-1-105(12), and 71-3-501 et seq. Administrative History:* Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998.

**1240-4-6-.05 PROCEDURES FOR OBTAINING A LICENSE.**

- (1) The Department offers one pre-licensure consultation session. When an individual or group is giving consideration to opening a child care service/business, the local county office of the Tennessee Department of Human Services should be contacted. The individual, group, or entity will be given the name of a licensing representative who will serve as its consultant.
- (2) The Department will offer pre-licensure training to prospective providers of child care. Interested persons or groups should contact a licensing representative to determine the date of the next meeting in their area.
- (3) The licensing representative will inform the interested individuals or entity of the appropriate time to apply for an initial license when the individual, group, or entity expresses interest in becoming licensed. The application fee for child care centers is based on the number of anticipated licensed spaces:

*less than 50 .....	\$15.00
*50 to 100 .....	\$20.00
*more than 100 ..	\$25.00
- (4) Upon satisfaction of the following minimum requirements, a conditional license may be issued if:
  - (a) Director's qualifications meet the requirements [see Chapter 1240-4-6-.07(3)(e)];
  - (b) Three satisfactory references for the director are verified;

(Rule 1240-4-6-.05, continued)

- (c) Physical facilities receive fire safety and environmental approval; and
  - (d) Staff and facility do not present any apparent hazards to the children who may be in care.
- (5) Receipt of an application begins the evaluation process which is completed with the issuance or denial of an annual license. This process includes:
  - (a) At least two visits to the child care center, one of which may be unannounced;
  - (b) Observation of caregivers' interaction with children;
  - (c) Review of agency records;
  - (d) Request for written and oral information related to licensure requirements; and
  - (e) Use of an evaluation checklist, itemizing requirements and noting violations, a copy of which is left with the applicant.
- (6) Upon issuance of an annual license, the licensee is expected to maintain compliance with requirements throughout the year.
- (7) Renewal And Re-Evaluation.
  - (a) Application for renewal must be made annually prior to the expiration of the existing license.
  - (b) The reevaluation process is similar to the initial evaluation, but agencies receiving two consecutive annual licenses are rewarded with a shorter, less involved reevaluation and/or fewer reevaluations.
  - (c) A center accredited by the National Academy of Early Childhood Programs may be reevaluated every three years at the Department's discretion. (See Appendix A for further information regarding the licensing process.)
- (8) Licensing Action And Appeal Rights.
  - (a) Procedures for applications, suspensions, denials, and revocations of licenses and appeal rights are governed by Chapter 1240-5-11.
  - (b) Any conflict between the provisions of this Chapter and Chapter 1240-5-11 shall be resolved by reference to Chapter 1240-5-11.
- (9) Grace Period. Because the amount of in-service training required has been increased, new agencies and new primary caregivers will be granted a reasonable grace period if needed to obtain the required hours of training. If the licensee provides adequate justification, a grace period may be requested for meeting new rules.

**Authority:** T.C.A. §§4-5-201 et seq., 71-1-105(12), and 71-3-501 et seq. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998.

#### **1240-4-6-.06 ORGANIZATION AND ADMINISTRATION.**

- (1) Statement Of Purpose.

(Rule 1240-4-6-.06, continued)

- (a) An applicant for a license to operate a child care agency shall submit a written statement to the Department of Human Services governing the following areas:
    - 1. The type of service to be offered to children and parents;
    - 2. Ages of children to be served;
    - 3. Hours of operation;
    - 4. Number and type of meals and snacks to be served;
    - 5. Admission requirements and enrollment procedures;
    - 6. Provision for emergency medical care; and
    - 7. If the agency provides transportation for children in the agency's care, the written statement required by 1240-4-6-.10(1) (a) describing transportation plans, procedures and equipment utilized in the transportation process.
  - (b) If, after being licensed, a licensee wishes to change the scope or type of service offered to children and families, an amended statement shall be filed with the Department for approval prior to implementation.
- (2) Organizational Structure.
- (a) The organization of every child care center shall be such that legal and administrative responsibility is clearly defined.
  - (b) In a not-for-profit agency, the overall administrative responsibility shall be placed with a governing board or its designee which shall hold meetings at least quarterly.
  - (c) Any licensed child care center or central operator which operates a family child care home or homes as part of its program shall be responsible for determining that the home(s) is (are) in compliance with applicable rules promulgated and adopted by the Department.
  - (d) In addition to other records required in paragraph (4) below, a child care center or central operator with satellite homes shall keep records on each home containing the following:
    - 1. Reports of health and fire safety inspections by the government agency conducting the inspection or by the agency staff person responsible for inspection when a government agency does not provide inspection.
    - 2. Narrative recording which shows that the rules have been officially reviewed with each home and that the home is or is not in compliance. The recording shall reflect at least an annual review of standards and at least one unannounced visit to the home annually.
    - 3. Any literature pertaining to a particular home or the agency which is distributed to the public as a means of promoting the home or agency or explaining its purpose.
- (3) Finances.

(Rule 1240-4-6-.06, continued)

- (a) Adequate financing of the agency's operation shall be maintained. An annual operating budget (either projected or actual), including a statement of income and expenditures, shall be available to the licensing counselor upon request.
- (b) Liability and Medical Payment Insurance Coverage.
  - 1. General liability, automobile liability and medical payment insurance coverage shall be maintained on the vehicles owned, operated or leased by the child care agency and on the operations of the child care agency's facilities.
  - 2. Automobile liability coverage shall be maintained in a minimum amount of Five Hundred Thousand Dollars (\$500,000) combined single limit of liability. The requirement of this part only applies to child care programs that transport children.
  - 3. General liability coverage on the operations of the child care agency facilities shall be maintained in a minimum amount of Five Hundred Thousand Dollars (\$500,000) per occurrence and Five Hundred Thousand Dollars (\$500,000) general aggregate coverage.
  - 4. Medical payment coverage as the primary coverage, shall be maintained in the minimum amount of Five Thousand Dollars (\$5,000) for injuries to children being transported in vehicles owned, operated or leased by the child care agency under part 2, and in the minimum amount of Five Thousand Dollars (\$5,000) for injuries to children resulting from the operation of the child care agency under part 3.
  - 5. The requirements of this subparagraph shall not apply to an agency that is under the direct management of a self-insured administrative department of the state, a county or a municipality or any combination of those three (3) or that has, or whose parent entity has, a self-insurance program that provides, as determined by the Department, the coverages and the liability limits required by these rules.
  - 6. Documentation that the necessary insurance is in effect, or that the administrative department or other entity is self-insured, shall be maintained in the records of the child care agency and shall be available for review by the Department's licensing staff.
- (4) Records And Reports.
  - (a) Children's Records.
    - 1. The following records shall be maintained at the center and made available to the Department upon request. Each child shall have a record containing the following information:
      - (i) A current information form which includes the child's name, date of birth, name of parent(s), child's and parents' home address, parents' business address, phone numbers, work hours, social history, and the name and address (home and business or school) of a responsible person to contact in an emergency if parent(s) cannot be located promptly.
      - (ii) Name, address, and telephone number of a physician to call in case of an emergency.
      - (iii) Written consent of parent(s) regarding emergency medical care.



(Rule 1240-4-6-.06, continued)

- (iv) A transportation plan, including to whom the child will be released and a clear policy concerning the release of child(ren) to anyone whose behavior may place the child(ren) in immediate risk.
    - (v) Health record as directed under Section 1240-4-6-.11 - Health and Safety.
    - (vi) Daily attendance records for each child.
    - (vii) Written permission for field trips away from the premises.
    - (viii) The information form shall list the name of the school the child attends.
    - (ix) Daily record for non-verbal children as directed under Section 1240-4-6-.14- Care of Children with Disabilities.
  - 2. A child's records shall be kept for one year following the child's leaving the agency. (The health record shall be returned upon request when the child leaves the center.)
  - 3. The records of any child who is five (5) years old in a center which lacks approved kindergarten status for purposes of *T.C.A. §49-6-201* shall include a signed acknowledgment of the child's parents or legal guardians that recognizes that the child's attendance does not satisfy the mandatory kindergarten prerequisite for the child's enrollment in first grade.
- (b) Staff Records.
- 1. The following information shall be secured when employing staff, contained in each employee's record, kept current, and made available to the Department upon request.
    - (i) Name, birth date, social security number, address, and telephone number of all staff members, including volunteers, and a contact for each staff member in an emergency.
    - (ii) Educational background and educational experiences, including dates and places of diplomas received, and conferences, courses, and workshops attended in the preceding year.
    - (iii) Health records as directed under Section 1240-4-6-.11 - Health and Safety.
    - (iv) At least three written references, with documented interviews of each reference, on each new staff member.
    - (v) Record of verified employment history of each employee.
    - (vi) Documentation of annual performance reviews. (See Appendix C for sample employee evaluation.)
    - (vii) Date of employment and date of separation from the agency.
    - (viii) Daily attendance of staff members.
  - 2. Professional credentials of staff shall be available to parents.
- (5) Right To Privacy/Confidentiality.

(Rule 1240-4-6-.06, continued)

The licensee and agency staff shall not disclose or knowingly permit the use of any information concerning a child or family except as required by law or regulation or as may be necessary to be disclosed to public authorities in the performance of their duties and which may be necessary for health, safety, or welfare of any child enrolled at the center or his or her family.

(6) Posting Of License.

The current license to operate a child care center shall be placed where anyone entering the center can see it.

(7) Admission Of Children And Communication With Parents.

- (a) At the time of admission written policies and procedures of the child care center shall be provided to parents or other applicants. Policies shall include criteria for dismissal of children. A copy of center policies and procedures shall be given to the parent and documentation of receipt filed in the child's record.
- (b) Upon enrollment of a child, the parent shall receive a summary of the Department's licensing requirements; receipt shall be documented by parent's signature.
- (c) Each center shall develop a plan for regular and ongoing communication with parents. This plan shall include communication concerning curriculum, changes in personnel, or planned changes affecting children's routine care. Documentation shall be maintained for the most recent quarter.
- (d) During normal operating hours, parents shall be permitted access to their children, and ready access to all areas of the child care facility shall be granted DHS representatives and inspection authorities (i.e., fire safety, sanitation, and health).
- (e) Parents shall be informed in advance of the child's removal from the premises except in cases of emergencies or pursuant to investigative procedures conducted pursuant to the child abuse laws. [See also 1240-4-6-.11(5) (d).]
- (f) Children shall not be in care for more than twelve (12) hours in a twenty four (24) hour period except in special circumstances (e.g., acute illness of or injury to parents, natural disaster, unusual work hours). Individual plans for extended care shall be maintained, with documentation, signed by parent and director, and retained on file.
- (g) An awareness program for parents shall be provided once a year. The program shall include a child abuse prevention component, approved by the Department of Human Services, with information on the detection, reporting, and prevention of child abuse in child care centers and in the home.
- (h) Prior to admission of a child to the center, the parent shall supply the center with a completed application, immunizations record, and health history. [See Paragraph 4(a) above, Children's Records, and Section .10(1), Children's Health Records.]
- (i) "Drop-In" children shall be counted in the ratio and group size and shall have required records on file before they are cared for.
- (j) Notification of Parents.

(Rule 1240-4-6-.06, continued)

1. After issuing two formal notices of serious and persistent noncompliance, the Department may require the child welfare agency to notify parents and funding sources of the circumstances.
2. For the purposes of this subparagraph, “serious” means the violation of:
  - (i) Adult:child ratios;
  - (ii) Lack of proper supervision;
  - (iii) Improper discipline;
  - (iv) Presence of firearms on the premises;
  - (v) Failure to report child abuse or neglect; or
  - (vi) Improper storage of medications, cleaning products, pesticides, or other harmful substances.
- (k) When a decision to revoke, suspend, or deny a license is heard by the Board of Review, DHS shall notify parents and funding sources of the decision of the Board.

**Authority:** T.C.A. 4-5-201 et seq., 4-5-202, 71-1-105, 71-3-105(5), 71-3-501 et seq., 71-3-502(a)(2), 71-3-502(4)(B), and Acts 2000, ch. 981, §§(3)(a)(4)(B) and 14. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998. Amendment filed November 18, 1999; effective January 31, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed August 28, 2001; effective November 11, 2001. Amendment filed November 21, 2002; effective February 4, 2003.

#### **1240-4-6-.07 STAFF QUALIFICATIONS.**

- (1) Responsibility For Staff.
  - (a) The board, owner, applicant/licensee, or other designated agent of the child care center shall be responsible for selecting individuals of suitable character to work with children.
  - (b) The director, with the guidance of the board or owner of the center, shall be responsible for staff and program and the day-to-day operation of the center.
  - (c) To be designated as such, the on-site director of a child care center in operation up to twelve (12) hours a day shall be in the center at least half of the total hours of operation or half of one shift.
  - (d) To be designated as the director or person in charge (on a daily basis) of a multi-site child care program, he/she shall be employed full-time in that capacity.
  - (e) A staff member at the center shall be designated to be in charge in the absence of the director.
  - (f) Criminal history and abuse registry background checks; exclusions; appeals; exemptions.
    1. Each person:

(Rule 1240-4-6-.07, continued)

- (i) Applying to work with children as a paid employee, a director, or manager of a child care agency;
  - (ii) Applying to work as a new substitute in a child care agency;
  - (iii) Who applies for a license for, or who otherwise seeks to operate (an “operator”) a child care agency as defined in T.C.A. § 71-3-501 et seq. and who has significant contact with children in the course of the role of operator. For purposes of this subparagraph, an “operator” shall be an individual who is an owner or administrator of a child care agency or a child care system; or
  - (iv) Fifteen (15) years of age or older who resides in a child care agency facility or who moves into a child care agency following initial licensure shall:
    - (I) Complete a criminal history disclosure form as approved by the Department;
    - (II) Supply a fingerprint sample in a manner prescribed by the Tennessee Bureau of Investigation in accordance with procedures established by the Department, and shall submit to a fingerprint based criminal history check to be conducted by the Department and the Tennessee Bureau of Investigation in accordance with procedures established by the Department;
    - (III) Submit to a review of their status on the Department of Health’s vulnerable persons registry under title 68, chapter 11, part 10 of the Tennessee Code Annotated.
    - (IV) Agree to release all records relating to his or her criminal history to the child care agency and to the Department so that the criminal history information can be verified.
2. The entity that is seeking to employ the person or use the person as a substitute, or which has the person residing in the agency, or the licensee or operator of a child care agency, shall be responsible for obtaining, and submitting the fingerprint sample and any information necessary to process the criminal history review, in such manner as may be required by the Department, to the Tennessee Bureau of Investigation within ten (10) days of the first day of beginning employment or substitute status, or within ten (10) days of the license application or seeking operator status, or, within ten (10) days of the application for an initial license for a facility in which the person resides or within ten (10) days after the resident moves into the child care facility.
3. The child care agency shall be responsible for all costs associated with obtaining, handling and processing of the fingerprint sample which is submitted to the Tennessee Bureau of Investigation. The Department of Human Services will pay for the costs of processing the criminal records background check with the Tennessee Bureau of Investigation using the applicant’s fingerprint sample. The Department shall only pay for one (1) processing fee that is required by the Tennessee Bureau of Investigation. If the fingerprint sample is rejected, and further costs are required to process the fingerprint, the child care agency is responsible for any further costs, regardless of the number of efforts required to obtain a valid fingerprint sample.
4. Pending outcome of the fingerprint background check and the Department of Health’s vulnerable person’s registry the applicant for employment, for a license or for operator or for a substitute position shall be conditional and shall be dependent upon the background

(Rule 1240-4-6-.07, continued)

check. No person whose criminal history disclosure form describes a criminal history or other activities within the prohibitions of part 7 shall be permitted to be employed as a caregiver, a substitute, director, nor may such person be allowed to be a licensee, or an operator who has significant contact with the children in the agency's care, nor shall such person be permitted to reside in or otherwise have access to children in the child care facility while children are present.

5. A copy of the disclosure form and the results of the criminal history check and the results of the inquiry to the Department of Health's vulnerable persons registry shall be maintained in the child care agency's records for review by the Department of Human Services.
6. The child care agency shall immediately review the report of the background check received from the Department and the Tennessee Bureau of Investigation, and shall immediately consult with the Department to resolve any questions relative to the person's status. Upon determination that the person's status prohibits the person from having access to children as described in part 7, the child care agency shall immediately exclude such person from access to children. Failure to exclude the person under this part or part 4 will result in immediate suspension of the child care agency's license.
7. Exclusions from access to children based upon criminal history or other status.
  - (i) No person shall be employed, or otherwise act, as a caregiver or as a substitute caregiver for children in a child care agency, nor shall any person be a licensee, director, or be an operator who has significant contact with children in a child care agency, nor shall a person who is a resident in a child care agency have access to or contact with children in a child care agency, nor shall any other person have any access to children in a child care agency whatsoever, who:
    - (I) has any pending warrant, indictment or presentment;
    - (II) has been convicted, pled guilty to or pled no contest to any crime or charge, or
    - (III) has any pending juvenile proceeding or previous juvenile finding which, if an adult, would result in any crime or charge, involving:
      - I. Any crime, including a lesser included offense derived from any crime involving the physical, sexual, or emotional abuse or gross neglect of a child or any other crimes involving a threat to the health, safety or welfare of a child; or
      - II. Any crime of violence, including a lesser included offense derived from a crime of violence against another person; or
      - III. Any crime involving, or lesser included offenses derived from any crime involving, the manufacture, sale, distribution or possession of any drug; or
      - IV. A violation of T.C.A. §§ 39-13-213; 55-10-101; 55-10-102 or 55-10-401 or any felony involving use of a motor vehicle while under the influence of any intoxicant. Such persons under this subitem may

(Rule 1240-4-6-.07, continued)

not for a period of five (5) years from the date of the conviction or guilty plea be employed or serve as a driver transporting children for a child care agency.

- (IV) Is listed on the abuse registry maintained by the Department of Health pursuant to Title 68, Chapter 11, Part 10 of the Tennessee Code Annotated; or
  - (V) Known to the management or licensee of a child care agency as a perpetrator of child abuse or child sexual abuse or who is identified to the child care agency's management or licensee by the Department of Human Services or by the Department of Children's Services as a validated or indicated perpetrator of abuse of a child based upon an investigation conducted by the Department of Children's Services or by the child protective services agency of any other state; and
    - I. who is associated in providing care or ancillary services in any manner within a child care agency; or
    - II. who is a family member or other person residing at the child care agency's facility(ies) or adjacent residence of the caregiver; or
    - III. who has unrestricted access to children in the child care agency as determined by the Department of Human Services.
  - (ii) An employee or volunteer who has been identified by the Department as having neglected a child based on an investigation conducted by the Department of Children's Services, or any child protective services agency of any state, and who has not been criminally charged or convicted or pled guilty as stated above, shall be supervised by another adult while providing care for children.
8. Appeals of exclusions.
- (i) Any person who is excluded or whose license or operator status is denied based upon the results of the criminal history background review may appeal the exclusion or denial to the Department within ten (10) days of the mailing date of the notice of such exclusion or denial to the subject person.
  - (ii) If timely appealed, the Department shall provide an administrative hearing pursuant to Title 4, Chapter 5, Part 3 of the Tennessee Code Annotated in which the appellant may challenge the accuracy of the report, and may challenge the failure to grant an exception to the exclusion or denial required by this subsection if a rule for such purpose has been promulgated by the Department pursuant to part 9.
  - (iii) The appellant may not collaterally attack the factual basis of an underlying conviction except to show that he/she is not the person identified on the record. Further, except to show that he/she is not the person identified in the record, the appellant may not collaterally attack or litigate the facts which are the basis of a reported pending criminal or juvenile charge except to show that such charge was, or since the report was generated, has been dismissed, nolle or has resulted in an acquittal.
9. Exemptions from exclusions.

(Rule 1240-4-6-.07, continued)

- (i) The Department will consider the granting of exemptions from the prohibitions under part 7.
  - (ii) The person seeking the exemption may indicate the request on the disclosure form, or may seek the exemption by written request to the Commissioner at any time. The request shall state the basis for the request, including any extenuating or mitigating circumstances that would, in the person's opinion, justify an exemption from the exclusion. Any documentary evidence may also be submitted with the request.
  - (iii) Advisory group to review exemption requests.
    - (I) The Department will establish an advisory group composed, at a minimum, of law enforcement personnel, persons experienced in child protective services, persons experienced in child development issues and child care providers licensed by the Department to review the requested exemption and advise the Department as to whether such request is warranted.
    - (II) At the Department's request, the advisory group shall review the written request and any other evidence in any other form which it determines necessary to determine the status of the exemption request.
    - (III) Based upon the recommendation of the advisory group, the Department shall make the final determination regarding an exemption. The exemption shall only be granted if the circumstances, as reviewed and determined by the advisory group and the Department, clearly warrant the exemption. The decision will be filed with the child care agency and shall be maintained in the Department's record concerning the agency and shall be open to public inspection.
  - (iv) Appeal of exemption decision.
    - (I) The Department shall notify in writing the person making the request for exemption of the decision regarding the exemption request and the basis for the decision. A person aggrieved by the Department's determination may appeal the decision by filing a written request with the Commissioner within ten (10) days of the mailing date of the decision as shown by the date of the notice. If timely appealed, the person shall be granted an administrative hearing under the provisions of T.C.A. §§ 4-5-301 et seq.
    - (II) The appellant may not collaterally attack the factual basis of an underlying conviction except to show that he/she is not the person identified on the record. Further, except to show that he/she is not the person identified on the record, the appellant may not collaterally attack or litigate the facts which are the basis of a reported pending criminal or juvenile charge except to show that such charge was, or since the criminal background history report was generated, has been dismissed, nolle or has resulted in an acquittal.
10. Alternate and Supplementary Criminal Background Checks.
- (i) The Department of Human Services may, at its own expense, utilize background checks pursuant to the provisions of T.C.A. § 71-3-507(g) or (h) to determine the

(Rule 1240-4-6-.07, continued)

criminal history or other status on the Department of Health's abuse registry of persons applying to work or who are current employees, licensees, operators or volunteers or current residents of child care agencies or persons working with contractors of the Department who are not otherwise required by the provisions of this subparagraph or any other provisions of law to undergo a criminal history background check. The Department may also utilize the abuse registry of the Department of Health under Title 68, Chapter 11, Part 10 of the Tennessee Code Annotated, for such persons.

- (ii) The Department may require such individuals to complete a disclosure form as required by part 1 and to undergo a fingerprint sample. The Department will submit the form and the fingerprints to the Tennessee Bureau of Investigation for review.
- (iii) Status Pending Background Check.
  - (I) Pending the outcome of the background check, if required, the applicant for employment or licensee or operator status or for a substitute or volunteer position, shall be in a conditional status with the child care agency or the Department contractor, and such status shall be dependent upon the outcome of the background check.
  - (II) The employment status of persons for whom a post-employment criminal background check was conducted, or the status of existing licensees or operators, substitutes, volunteers or residents of a child care agency for whom a criminal background check was conducted after license approval, and who were not otherwise subject to a pre-status applicant background check and to the exclusionary provisions provided in this subparagraph, shall be governed by any regulations which may govern their status in a regulated entity or by applicable employment law.
- (iv) Names Searches.
  - (I) As a further supplemental method of criminal background history review for any applicants for employment, license or operator status, or for substitute or volunteer status with child care agencies, or with the Department or its contractors, as listed in subdivision T.C.A. §§ 71-3-501(g)(1) or with the entities which the Department may regulate, or for residents of new child care agencies, or for current employees, licensees, operators, substitutes or volunteers of child care agencies or for current residents of child care agencies, the Department may require such persons to submit a disclosure form as set forth in part 1, a copy of which shall be maintained with the Department and shall be filed with the entity with whom such person is associated, and may require such person to agree to release all records involving the person relating the criminal history of such person.
  - (II) The Department may, by agreement with the Tennessee Bureau of Investigation, access the Bureau's criminal history computer database using only the name of the person and such other information as may be available. If the Department determines it to be necessary, then the Department may require fingerprint verification pursuant to subparts (i) and (ii).



(Rule 1240-4-6-.07, continued)

- (v) All provisions of part 7 including, but not limited to, the exclusion of individuals from providing care, from being licensed for the care of children or having access to children upon determination of the criminal background or perpetrator of such individual, the suspension of operations of regulated, certified or approved entities that fail to exclude persons with a criminal background, and the exemptions from the exclusionary provisions shall be applicable to persons having criminal backgrounds or perpetrator status as determined by the processes established by this part.
  - (vi) Any person disqualified from care for or access to children based upon the results of the criminal history background review or the determination of perpetrator status under this part may appeal that determination to the Department as provided in part 8.
  - (vii) Nothing in this subparagraph shall be construed to prevent the exclusion of any individual from providing care for, from being licensed or approved for the care of children pursuant to this part or from having access to a child in a child caring situation if a criminal or juvenile proceeding background or perpetrator status is discovered and verified in any other manner other than through a procedure established pursuant to this chapter. All procedures, rules, and appeal processes established pursuant to this subparagraph for the protection of children and the due process rights of excluded individuals shall also be applicable to such individuals.
- 11. Nothing in this subparagraph shall be construed to mean that any other law which mandates that criminal background checks be conducted on applicants for employment, license or operator status, for substitute or volunteer positions or for resident status is made voluntary, repealed or superseded in any manner by the provisions of this subparagraph, and the provisions of part 10 are supplementary to, and are not in lieu of any mandatory provisions for such other statutorily required criminal background checks.
- (g) The behavior of staff shall reflect knowledge and understanding of the special needs, growth, and developmental patterns of school-age children and understanding of appropriate activities, as reflected in staff's performance evaluations.
  - (h) An adult shall be designated as the person responsible for administration of the school-age program. This person can be a director or a teacher.
- (2) Personnel Policies.

Each employee at the time of appointment shall receive in writing a statement of personnel policies, which policies shall be reviewed annually.
- (3) Staff Qualifications.
  - (a) Every staff person, including volunteers, practicum students, and substitutes, shall be physically, mentally, and emotionally capable of performing his/her duties satisfactorily.
    - 1. Drug Screening for Child Care Vehicle Drivers Upon Reasonable Cause.
      - (i) The Department, in its sole discretion, may require any individual, who drives or may drive at any time any vehicle transporting children on behalf of the agency or its contractors, to undergo a drug screening test when, in the Department's sole determination, there is reasonable cause to believe that such individual may have an impairment or possible impairment that potentially poses a risk of harm to

(Rule 1240-4-6-.07, continued)

children in the care of the agency caused by the use, or possession and potential use, of any drug. For purposes of this part, the term “drug” shall include alcohol.

- (ii) An individual directed to undergo such examinations or screenings may refuse to do so, but will not be permitted to drive a vehicle transporting children in the agency or have any further contact with children in the care of the child care agency until evidence is provided that is satisfactory, in the Department’s discretion, to demonstrate that the individual does not represent a risk of harm to the children in the agency’s care.

2. Safety Plans.

- (i) The Department may require, in its sole discretion, the child care agency to enter into a safety plan approved by the Department that prohibits or limits such individual’s contact with children in the care of the child care agency pending the outcome of such testing.
  - (ii) The Department may otherwise require, in its sole discretion, that the child care agency enter into a long-term or permanent safety plan that prohibits or limits the driving duties by an individual described in part 1 for, or contact by such individual with, children in the care of the agency.
  - (iii) Failure to adhere to the safety plan shall be grounds for action by the Department against the child care agency’s license as permitted by T.C.A. § 71-3-508(c).
  - (iv) The child care agency, or any individual whose employment status is directly and adversely impacted by a safety plan or by refusal to undergo an examination as directed by the Department may, at any time during the existence of the plan or during the pendency of the directive for an examination, make written request to the Director of Licensing for an intradepartmental review of the safety plan. Such review shall be conducted by the Director or the Director’s designee within ten (10) business days of receipt of the written request.
  - (v) Any individual or child care agency that has received an adverse decision from the intradepartmental review set forth in subpart (iv) above, may appeal such safety plan to the Department by filing a written request for an administrative hearing before the Department’s Administrative Procedures Division within ten (10) business days of the Director’s decision. The hearing shall be held by the Division within twenty (20) business days of the receipt of the request for an administrative hearing.
  - (vi) Any safety plan that exceeds ninety (90) days when proposed or that continues for more than ninety (90) days may be appealed by the child care agency to the Child Care Agency Board of Review.
- (b) Each new employee shall serve a probationary period of three (3) to six (6) months, during which close supervision is provided. Staff performance shall be reviewed prior to the end of the probationary period. All employees shall have annual reviews. Discussion of evaluations with staff shall be documented (A sample Evaluation Form is in Appendix C).
  - (c) Prior to assuming duties, each new employee shall receive orientation instruction which includes program philosophy, job description, personnel policies, emergency procedures, discipline policies, and policies for receiving and dismissing children. Within the first two weeks on the job, each employee shall receive instruction in child abuse detection, reporting,

(Rule 1240-4-6-.07, continued)

and prevention; in parent-center communication, disease control, and health promotion; an overview of licensing requirements; and information on risks (e.g., infection, stress, and cytomegalovirus [CMV] infection) to female employees of childbearing age. Such training shall be documented in the agency's records.

- (d) All staff working with children shall receive training in detection, reporting, and prevention of child abuse. Such training shall be documented in the agency's records.
- (e) Director of Child Care Center.
  - 1. The director shall have graduated from an accredited four-year college and have completed one year of full-time documented work experience with young children in a group setting; or
  - 2. The director shall have sixty (60) semester hours (two (2) years) of college training. At least thirty (30) hours shall be in business or management, child or youth development, early childhood education or a related field. In addition, the director (in this category) shall have two (2) years of full-time documented work experience with young children in a group setting; or
  - 3. The director shall have earned a high school diploma or its equivalent and four (4) years of full-time documented work experience with young children in a group setting.
  - 4. Effective January 1, 2001, the director shall complete four (4) hours of pre-employment training, which is offered or approved by the Department, that includes, but is not limited to, training in interviewing and evaluating caregivers for service in an agency and in working effectively with parents. If the Department determines that the director has received specific training meeting the requirements of this part within three (3) years prior to employment, the requirement of this part may be waived by the Department.
  - 5. Effective January 1, 2001, no child care agency licensed under these rules shall receive a license unless the child care agency director shall have, at a minimum:
    - (i) received a Tennessee Early Childhood Training Alliance (TECTA) certificate for completing thirty (30) clock hours of orientation training; or
    - (ii) received comparable training approved by the Department, has a high school diploma and has four (4) years of full-time work experience with young children in a group setting; or
    - (iii) meets the requirements of parts 1 or 2; or
    - (iv) was employed as an on-site child care director or a child care agency owner as of July 1, 2000.
  - 6. Prior to issuance of the first annual license, owners and directors shall complete a child care orientation course sponsored by the Department of Human Services. New directors of child care agencies currently licensed shall complete the orientation course within three (3) months of assuming their position.
  - 7. Effective January 1, 2001, during the first year of employment, a new director shall have evidence of receiving at least thirty-six (36) hours in workshops, training, or one-to-one consulting sessions, or shall earn credit during the year in one academic course in administration, child development, early childhood education, health/safety or other

(Rule 1240-4-6-.07, continued)

related field. At least six (6) hours shall be in administration, management or supervisory training. This rule applies to new hire situations where the person has not been employed in child care during the last three (3) years. Persons with a B.A. or Associates degree in child development or early childhood education are exempted from this rule.

8. After the first year of employment, the director shall have evidence of receiving at least eighteen (18) clock hours annually in workshops, training, or one-to-one consulting sessions, or shall earn credit during the year in one academic course in administration, child development, early childhood education, health/safety or other related field. At least six (6) hours shall be in administration, management or supervisory training. After the first year, no more than two (2) hours for required training, such as CPR or Child and Adult Care Food Program (CACFP) shall be included. Up to four (4) hours credit may be earned by conducting training.

(f) Caregivers.

1. Each caregiver (with the exception of part 3 below) shall be at least eighteen (18) years of age. At least one (1) caregiver who is present in each group shall be able to read and write English.
2. Each group shall have at least one caregiver present who has a high school diploma or its equivalent, a Department-recognized credential, or a diploma from a state area vocational school.
3. When sixteen (16) and seventeen (17) year old vocational child care students are counted in the adult:child ratio, they shall be supervised by an adult.
4. New Caregiver Training.
  - (i) During the first year, new caregivers shall have evidence of receiving at least eighteen (18) clock hours in workshops, training, or one-to-one consulting sessions, or shall earn credit during the year in one academic course in administration, child development, early childhood education, health/safety or other related field. This rule applies to new hire situations where the person has not been employed in child care during the last three (3) years. Persons with a Bachelor of Arts or Associates degree in child development or early childhood education are exempted from this rule.
  - (ii) New caregivers shall complete two (2) clock hours of pre-service orientation training offered or approved by the Department and shall complete an additional six (6) hours of the required training within the first six (6) months of employment. For purposes of this rule, "pre-service" orientation shall mean that such orientation occurs within the first thirty (30) days of employment with the agency. Pending completion of the orientation training, the caregiver's status is conditional. Failure of the caregiver to complete the required two (2) hours of pre-service orientation and/or failure to complete the required six (6) hours of training within the first six (6) months of employment shall require that the employee be removed from caregiver duties for children until completion of the training.
  - (iii) The remaining ten (10) hours of the required training for new caregivers must be completed before the end of the first year of employment.
  - (iv) The requirements of this part shall be effective January 1, 2001.

(Rule 1240-4-6-.07, continued)

5. After the first year of employment, caregivers shall have evidence of receiving at least twelve (12) clock hours annually in workshops or in-service training in child development, early childhood education, health/safety or other related field. After the first year, no more than two (2) hours for required training such as CPR or Child and Adult Care Food Program (CACFP), shall be included. Six (6) hours of the required annual training shall be obtained by training conducted by persons who are not directors or employees of the child care agency.

(g) Auxiliary Staff.

1. Any auxiliary staff persons (e.g., the maintenance staff, cook, or bus driver) shall be physically and mentally capable of performing satisfactorily in their respective positions.
2. Any auxiliary staff directly employed by the center shall receive orientation to their position within the first two weeks of employment. This training shall include:
  - (i) personnel policies;
  - (ii) job responsibilities;
  - (iii) parent communication;
  - (iv) daily schedule and routine;
  - (v) center policies regarding discipline; and
  - (vi) emergency procedures.

(4) Supervision And Grouping Of Children.

- (a) Children (as defined in Section .02) under ten (10) years of age shall have adult supervision at all times. Center personnel shall always be aware of a child's whereabouts by use of a check-in/out procedure for each child in attendance. Youth ten (10) years and older need not be in an adult's physical presence at all times but shall be supervised by an adult.
- (b) The center shall implement policies approved by their licensing counselor regarding unsupervised nonenrolled children and auxiliary groups.
- (c) Arrangements shall be made so that in an emergency, a caregiver can call a second adult for help without having to leave the group.
- (d) When more than twelve (12) children are present, a second adult shall be on the premises.
- (e) School age children and youth shall have the opportunity to develop independence. Staff shall position themselves strategically and must be aware of the dynamics (interactions) and activities of the entire group even when dealing with only part of it.
- (f) Age Categories, Group Sizes, Adult:Child Ratios, and Implementation Dates
  1. Through June 30, 2003, the age categories, group sizes and adult:child ratios contained in the charts in parts 5 and 6 shall be in effect for children in the age categories, group sizes and adult:child ratios stated in those charts, except as the age categories, group sizes and adult:child ratios are modified by the provisions of 1240-4-3-.07(e) for Child Care

(Rule 1240-4-6-.07, continued)

Centers Serving Pre-School Children, or as they may be otherwise modified by law, or by any rule of the Department.

2. Effective July 1, 2003, age categories, group sizes and adult:child ratios contained in the charts in parts 7 and 8 shall become effective and shall supersede the charts in parts 5 and 6.
3. Groups shall comply with the definitions in Section .02.
4. The adult:child ratios are required indoors and while the children are on the playground.
5. Single-Age Grouping and Adult:Child Ratio Chart, except as otherwise modified by the provisions of 1240-4-3-.07(e).

Age At Beginning of School Year	Maximum Group Size and Adult:Child Ratios							
Single-Age Grouping	10	12	14	16	18	20	25	Notes
Infants: 6 wks-15 mos.	1:5							Non- handicapped and not walking
Toddlers:12 mos. - 30 mos.			1:7					Non-handicapped and walking
2 years: (24 mos.- 35 mos.)				1:8				
3 years						1:10		
4 years						1:15		
5 years						1:20		
6 years and above							1:25	

6. Multi-Age Grouping and Adult:Child Ratio Charts, except as otherwise modified by the provisions of 1240-4-3-.07(e).

Age At Beginning of School Year	Maximum Group Size and Adult:Child Ratios							
Multi-Age Grouping	10	12	14	16	18	20	25	Notes
Infants/ Toddlers:6 wks.-30 mos.		1:6						At least 3 children must be walking
2-3 years (24 mos.- 47mos.)				1:8				
2-4 years				1:8				

(Rule 1240-4-6-.07, continued)

2 1/2-3 years (30-47mos.)					1:10			
2 1/2-5 years						1:12		
2 1/2 - 12 years	1:10							
3-5 years (includes 3- 4 year olds)						1:15		
4-5 years						1:20		
5-12 years							1:25	

7. Single-Age Grouping and Adult:Child Ratio Chart (Effective July 1, 2003, as described in part 2 above):

	Maximum Group Size and Adult:Child Ratios					
Single-Age Grouping	8	12	14	18	22	No Maximum
Infants:6 wks.-15 mos.	1:4					
Toddlers:12 mos.-30 mos.		1:6				
2 years:24- 35 mos.			1:7			
3 years				1:9		
4 years					1:13	
5 years					1:16	
School-Age (K and above)						1:20

8. Multi-Age Grouping and Adult:Child Ratio Chart (Effective July 1, 2003, as described in part 2 above):

	Maximum Group Size and Adult:Child Ratios						
Multi-Age Grouping	10	16	18	20	22	24	No Maximum
Infants/ Toddlers:6 wks.-30 mos.	1:5						
2-4 years		1:8					
2 1/2-3 years:			1:9				

(Rule 1240-4-6-.07, continued)

30-47 mos.							
2 1/2-5 years				1:11			
2 1/2 - 12 years	1:10						
3-5 years includes 3-4 year olds					1:13		
4-5 years						1:16	
5-12 years							1:20

9. Any number of children in excess of the adult:child ratios established by parts 1-8 requires a second adult.
  10. Section 504 of the Rehabilitation Act of 1973 and ADA guidelines shall be consulted for care of children with disabilities relative to the number of caregivers which a reasonable accommodation of a child's disability may require.
- (g) Children for whom care is provided by the center at any one time shall be included in the agency's enrollment, square footage allowance, and licensed capacity. They shall have the security of a "home base", a space or a cubby in which to place their personal belongings. A staff person will be available at a designated sign-in area to record their arrival and departure.
- (h) School-age children shall be greeted as they enter the center by the staff person to whom they are assigned. This staff person shall inform the child of their availability as a specific contact person should the child need assistance, and shall be the responsible person during the time that the child is in the center.
- (i) The auxiliary staff shall not be included in the adult:child ratio but can be used as emergency substitutes if their duties and qualifications permit.
- (j) If meals are served, the person who is responsible for preparing meals and washing the dishes shall not be included in the adult:child ratio while preparing these meals.
- (k) When more than twelve (12) children in first grade and above are enrolled, separate space and a separate program shall be provided for them.
- (l) When children are swimming, the following requirements shall be met:
1. Reserved;
  2. One adult present shall have a current certificate in advanced aquatic lifesaving skills;
  3. The lifeguard or caregivers shall supervise from above the level of the swimmers, preferably from an elevated lifeguard chair or otherwise from the pool deck.
- (5) Requirements For Naptime/Rest Periods.
- If there are sleeping or resting children, there shall be at least one adult supervising the children in each nap/rest area.
- (6) Requirements For Nighttime Care.



(Rule 1240-4-6-.07, continued)

During nighttime care, after the children have settled down, adult:child ratios may be relaxed so long as the children are adequately protected and all of the following requirements are met:

- (a) There shall be at least one adult awake and supervising the children in each sleeping area.
- (b) The adult:child ratio can be fifty percent (50%) of the required ratio if there are enough adults on the premises so that the adult:child ratio required for children when they are awake shall be met immediately in an emergency. (Exception: Toddler ratios shall be maintained.)

**Authority:** T.C.A. §§4-5-201 et seq., 4-5-202, 4-5-209, 71-1-105, 71-3-501 et seq., 71-3-502(a)(2), 71-3-502(4)(A)(ii), 71-3-508(c), Acts 2000, ch. 981, §§ 14 and 75, Acts 2001, ch. 436, §5, Acts, 2001, ch. 453, §25, and Acts 2003, Ch. 412, § 2. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998. Withdrawal of 1240-4-6-.07(4)(f) and (l)(i) filed on August 31, 1998. The new effective date for the above part is February 13, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Stay of effective date filed December 8, 2000 by The House Government Operations for subparts 2, 7 and 8 of subparagraph (f) of paragraph (4). The new effective date for these subparts is February 13, 2001. Amendment filed August 28, 2001; effective November 11, 2001. Amendment filed October 17, 2001; effective December 31, 2001. Amendment filed September 29, 2003; effective December 13, 2003.

#### **1240-4-6-.08 EQUIPMENT FOR CHILDREN.**

(1) General.

- (a) All indoor and outdoor equipment shall be well made and safe. There shall be no dangerous angles, no sharp edges, splinters, nails sticking out, no open S-hooks or pinch points within children's reach.
- (b) Damaged equipment shall be repaired or removed from the room or playground immediately.
- (c) Equipment shall be kept clean by washing frequently with soap and water.
- (d) There shall be developmentally appropriate equipment and furnishings for each age group in attendance. (See Appendix D for suggestions.)
- (e) A place shall be provided for each child's belongings.

(2) Indoor Play Equipment.

- (a) Pieces of equipment, such as television sets, bookcases, and appliances, shall be secured or supported so that they will not fall or tip over.
- (b) Indoor equipment, materials, and toys shall be available to:
  - 1. Meet active and quiet play needs of all children enrolled;
  - 2. Provide a variety of developmentally appropriate activities so that each child has at least three choices during play time; and
  - 3. Adequately provide for all the activities required in Section 1240-4-6-.09 Program. (A list of suggested equipment is in Appendix D.)

(Rule 1240-4-6-.08, continued)

- (c) Toys, educational and play materials shall be organized and displayed within children's reach so that they can select and return items independently.
  - (d) Teaching aids that are small or that have small parts that can be inhaled or swallowed shall be inaccessible to toddlers.
- (3) Outdoor Play Equipment.
  - (a) There shall be developmentally appropriate outdoor play equipment for children who are in care more than three (3) daylight hours.
  - (b) All outdoor play equipment shall be sufficient in amount and variety so that children can take part in many kinds of play each day.
  - (c) The Consumer Product Safety Commission's "Handbook on Public Playground Safety" or similar authority shall be used for guidance on playground construction and maintenance.
  - (d) All outdoor play equipment shall be placed to avoid injury. Fall zones shall extend at least four (4) feet and preferably six (6) feet away from the perimeter of equipment and away from retainer structures, fences, and other equipment and out of children's traffic paths.
  - (e) Resilient surfacing material shall cover fall zones at a recognized acceptable depth. (See Appendix E for suggested materials.)
  - (f) Supports for climbers, swings, and other heavy equipment that could cause injury if toppled shall be securely anchored to the ground, even if the equipment is designed to be portable.
- (4) Naptime And Sleeping Equipment.
  - (a) A quiet rest area and cots or mats shall be available for children who want to rest or nap. However, no child shall be forced to nap.
  - (b) If cots or mats are used, they shall be clean, comfortable, and in good condition.

**Authority:** T.C.A. §§4-5-201 et seq., 71-1-105(12), and 71-3-501 et seq. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998.

**1240-4-6-.09 PROGRAM.**

- (1) Schedule and Routines.
  - (a) Routines such as snacks, meals, and rest shall occur at about the same time each day.
  - (b) There shall be a balance between free-choice and adult-directed activities.
  - (c) There shall be alternating periods of vigorous activity and quiet play or rest throughout the day.
  - (d) If television, video tapes, and games and movies are used, they shall be limited to two hours per day and to programs designed for children and youth's education and/or enjoyment. Programs/movies with violent or adult content (including "soap operas") shall not be permitted in children's presence. Programs/movies shall be developmentally appropriate for the viewers.

(Rule 1240-4-6-.09, continued)

Parents shall be informed of movie showings and ratings. Other activities shall be available to children and youth during television and movie viewing.

- (e) Opportunity for outdoor play shall be provided for all children who are in care for more than three consecutive daylight hours. Staff shall actively interact with children during outdoor play. (Exception: For inner city centers where outdoor play is prohibitive or dangerous, unoccupied indoor space providing fifty [50] square feet per child is acceptable.)
- (f) Opportunities shall be provided for children to be by themselves to play alone or do homework, if they choose, in a small quiet area away from other activities.
- (g) Youth ten (10) years and older shall be encouraged to participate in the planning of their schedules and activities.

(2) Behavior Management And Guidance.

- (a) Attention spans and skills of children shall be considered so that caregivers do not require behavior of children which is developmentally inappropriate.
- (b) Discipline shall be reasonable, appropriate, and in terms the children can understand.
- (c) Praise and encouragement of good behavior shall be used instead of focusing upon unacceptable behavior only.
- (d) Punishment that is shaming, humiliating, frightening, verbally abusive, or injurious to children shall not be used.
- (e) Punishment shall not be related to food, rest or toileting.
- (f) Spanking or any other type of corporal punishment is prohibited. ("Corporal punishment" is the infliction of bodily pain as a penalty for behavior of which the punisher disapproves.)

(3) Educational Activities.

- (a) Activities shall be based on developmentally appropriate educational practices.
- (b) A daily program shall provide opportunities for learning, self-expression, and participation in a variety of creative activities such as art, music, literature, dramatic play, science, and health.
- (c) Indoor physical activities, requiring children to use both large and small muscles, shall be provided for children of each age group.
- (d) Staff shall plan ahead for developmentally appropriate activities; written lesson plans shall be available for review.
- (e) The curriculum shall include instruction in personal safety as needed but at least once a year if instruction is not provided by the schools served by the center. The personal safety curriculum shall include a prevention of child abuse component, approved by the Department of Human Services.

(4) Nighttime Care.

- (a) Agencies providing nighttime care shall meet the following additional requirements:

(Rule 1240-4-6-.09, continued)

1. Calming activities preceding bedtime shall be provided, including such things as listening to a story or soft music, and individual/adult attention as needed.
2. Routine personal hygiene shall be encouraged and supervised. A plan shall be made with parents for brushing teeth, baths, bed dress, etc.

**Authority:** T.C.A. §§4-5-201 et seq., 71-1-105(12), and 71-3-501 et seq. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998.

**1240-4-6-.10 TRANSPORTATION.**

(1) Management Responsibility, Loading\Unloading and Verification Procedures; Staff Qualifications.

(a) Management Responsibility.

1. Existing child care agencies, or those applying or re-applying for licenses, that provide transportation services, must provide a written statement to the Department describing:
  - (i) The type(s) of transportation that will be offered, e.g., from the child's home to the child care agency, from the child care agency to the child's school, etc.;
  - (ii) The types of vehicles that will be used for the transportation of children, e.g., a 1999 fifteen (15) passenger Ford van;
  - (iii) Any contracts, agreements or arrangements with any third parties for the provision of transportation services;
  - (iv) The provider's plan for maintaining compliance with the transportation time limits set forth in 1240-4-6-.10(6);
  - (v) The provider's policy and procedures for maintaining compliance with the transportation verification procedures set forth in 1240-4-6-.10(1)(b);
  - (vi) The provider's policy and procedures for attaining and maintaining compliance with child restraint procedures required by: these rules; Tennessee Code Annotated, Title 55, Chapter 9, Part 6; applicable Federal Motor Vehicle Safety Standards relative to child safety restraints, and; the child restraint and vehicle manufacturer's design requirements for the type of child restraints and vehicles used to transport children; and
  - (vii) The provider's policy and procedures for the emergency evacuation of the vehicle.
2. The child care center's management shall be fully responsible for the transportation of children between home and the child care center, to or from school, and/or on field trips on any vehicle which it operates, for which it contracts or which is otherwise under its direction or control.
3. Vehicles used to transport children and which are owned or operated by, contracted for or which are otherwise under the direction and control of the child care agency, shall carry automobile liability insurance coverage for each vehicle used for that purpose in the minimum amounts required by Rule 1240-4-6-.06(3).

(Rule 1240-4-6-.10, continued)

(b) Loading\Unloading and Verification Procedures.

1. The driver of the vehicle or any other designated staff person riding on the vehicle shall use a passenger log to record the name of each individual child received for transport as the child enters the vehicle. No child shall be accounted for by use of a single entry in the log that would include all, or part, of a group of other siblings or relatives with the same last name and with whom the child is being transported. For example, three (3) siblings with the same last name, e.g., "Doe", who are transported on the same vehicle shall not be recorded by the single entry "Doe" which only records the group's last name and is used by the child care center to signify that all three (3) "Doe" children are accounted for. Each child shall, instead, be separately listed by first and last name.
2. During transportation, the passenger log shall be used to take roll each time the vehicle makes a stop as each child is loaded or unloaded.
3. Whenever children being transported are released from the vehicle to their parent or other designated person, the passenger log shall immediately be updated to reflect which children have been released.
4. Immediately upon unloading the last child/children from the vehicle, and to ensure that all the children being transported have been unloaded, the driver and any other staff members riding on the vehicle shall immediately deliver the passenger log to the person designated by the child care center in part 5 and shall immediately:
  - (i) physically walk through the vehicle; and
  - (ii) inspect all seat surfaces, under all seats and in all compartments or recesses in the vehicle's interior.
5. Additional caregiver/staff review and verification requirements.
  - (i) The child care center shall also designate a caregiver or management level staff person, other than the person responsible for the recording in the passenger log on the vehicle, who shall provide additional review and additional verification that the children have been unloaded from the vehicle and properly accounted for.
  - (ii) When unloading children at the child care center or field trip destinations, or when, prior to being parked at the child care center or other location, and to ensure that all children have been unloaded, the person designated pursuant to subpart (i) of this part 5 shall also immediately request the passenger log from the person on the vehicle responsible for maintaining the log and shall immediately:
    - (I) reconcile the passenger log with the children's attendance records; and
    - (II) conduct the same inspection as required in subparts (1)(b)4(i) and (ii) above.
  - (iii) Verification of the passenger logs and attendance records required by this subparagraph (b) shall be made by having the printed name of the persons who complete the logs and records written or printed on the passenger log and attendance record accompanied by the handwritten initials of such persons. Passenger logs and attendance records shall be maintained for a period of one (1) year or until the next re-evaluation of the center for an annual license, whichever is first.

(Rule 1240-4-6-.10, continued)

6. The driver or any accompanying staff member shall assure that every child is received by a parent or other designated person.
  7. When children are transported to school, they shall be released in accordance with the following procedures:
    - (i) the children shall be unloaded only at the location designated by the school;
    - (ii) the children are only allowed to unload from the center's vehicle at the time the school is open to receive them;
    - (iii) the driver/caregiver shall watch the children who are unloaded from the vehicle walk through the entrance door designated by the school for the children; and
    - (iv) any additional procedures established by the school.
  8. The provisions of this subparagraph (b) apply to child care agency staff and to personnel operating vehicles for any contracted transportation service for a licensed or approved child care agency or for any other transportation service that is under the direction or control of a child care agency, that provides such services for children enrolled in the child care agency.
- (c) Transportation Staff Qualifications.
1. Driver License Requirements.
    - (i) All persons responsible, or who may in the course of their duties become responsible, at any time, for driving a vehicle that transports children enrolled in the child care agency, shall hold, at a minimum, a current Tennessee driver license with an "F" ("for hire") endorsement pursuant to T.C.A. § 55-50-102(20)(F) unless such persons already have an endorsement or hold a license which the Department of Safety recognizes as inclusive of the "F" endorsement requirements, or shall hold such other license or endorsement provided for by State law or regulation governing driver qualifications for the type or size of vehicle used, or which may otherwise govern driver qualifications, for transportation of children enrolled by licensed or approved child care agencies.
    - (ii) Effective January 1, 2004, all persons subject to this part 1 shall obtain a certification document from the Department of Safety to signify that they have passed additional written or skills tests required for persons who may, in the course of their duties drive a vehicle that transports children enrolled in a child care agency.
    - (iii) Effective January 1, 2004, all persons subject to this part 1 shall be required to obtain annual training that is utilized for school bus drivers offered by the Department of Safety or such other equivalent training as the Department of Safety may determine is appropriate.
    - (iv) Evidence of completion of the requirements in subparts (i)-(iii) for each person employed or otherwise utilized by the agency under any contract or any other arrangement shall be maintained in the records of the child care agency. Failure to obtain or timely exhibit completion of this additional certification when requested

(Rule 1240-4-6-.10, continued)

shall result in ineligibility of the person from any further driving duties for the child care agency until such requirements are fulfilled.

2. Health Examinations and Drug Screenings.

(i) Health Examinations.

All persons driving vehicles at any time for the transportation of children enrolled in the child care agency shall annually provide to the Department a health statement or statements, based upon an examination of the individual, that are signed by the examining licensed physician, licensed psychologist, licensed clinician, Nurse Practitioner, or Physician's Assistant, verifying that the individual is physically, mentally and emotionally capable in all respects of safely and appropriately providing transportation for children.

(ii) Drug Screenings.

(I) Effective August 1, 2003, all persons who are newly employed or assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, or who are thereafter assigned any such duties under any arrangement, shall have a drug screen within ten (10) days of the assumption of such duties, in accordance with procedures established by the Department.

(II) Effective January 1, 2004, all existing drivers who have been previously assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, under any arrangement and who have not been tested as required by item (I), shall have a drug screen in accordance with procedures established by the Department.

(III) The child care agency shall immediately review the results of the drug screen upon receipt.

(iii) Upon receipt of a positive drug screen result for a tested individual, the child care agency shall immediately:

(I) Notify the Department and prohibit the individual from any driving duties involving any transportation of children for the child care agency; and

(II) Enter into a safety plan approved by the Department that excludes the individual from driving for the child care agency until the individual passes a drug screen test and is otherwise approved, in writing, by the Department, to provide driving duties involving the transportation of children for the child care agency.

3. Prior to assuming their duties, all persons responsible, or who may in the course of their duties become responsible, at any time, for transporting children (including drivers and monitors) shall complete Department of Human Services-recognized pre-service transportation training in:

(i) The proper daily safety inspection of the vehicle set forth in subparagraph (2)(b) below;

(Rule 1240-4-6-.10, continued)

- (ii) The proper use of child safety restraints required by these rules, Tennessee Code Annotated, Title 55, Chapter 9, Part 6, applicable Federal Motor Vehicle Safety Standards relative to child safety restraints, and; the restraint and vehicle manufacturer's design requirements for the type of child restraints and vehicles used to transport children;
    - (iii) The proper use of the verification procedures set forth in subparagraph (1)(b) above;
    - (iv) The proper use of a blood borne pathogen kit;
    - (v) The proper procedures for the evacuation of the vehicle based upon the type of vehicle and the ages of the children served; and
    - (vi) The developmentally appropriate practices applicable to the behavior management of children during transportation.
  - 4. Following the completion of pre-service transportation training, all persons responsible at any time for the transportation of children (including drivers and monitors), shall complete Department of Human Services-recognized transportation training that includes the subject matter set forth in 1240-4-6-.10(1)(c)3, above, a minimum of every six (6) months.
  - 5. Emergency Aid Training.
    - (i) All persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall hold current certification and Infant/Pediatric Cardiopulmonary Resuscitation (CPR) from the American Red Cross, the American Heart Association, or other certifying organization, as recognized by the Department.
    - (ii) Effective July 1, 2004, all persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall complete a first aid course sponsored or approved by the American Red Cross, or other first aid course, as recognized by the Department.
  - 6. The provisions of this subparagraph (c) apply to child care agency staff and to personnel operating vehicles for any contracted transportation service for a licensed or approved child care agency or for any other transportation service under the direction or control of a child care agency.
  - 7. The requirements of 1240-4-6-.10(1)(c) do not apply to individuals who provide transportation services exclusively for occasional field trips.
- (2) Vehicle Inspections; Passenger Limitations; Vehicle Design Requirements; Child Seating Space Requirements; Emergency Equipment; Prohibition of Firearms or other Weapons on Vehicles.
- (a) The requirements of this paragraph (2) include vehicles used at anytime for the regular child care vehicle(s) and those used as back-up vehicles. Exception: The requirements of this paragraph (2) do not apply to vehicles operated solely for the purpose of providing transportation for occasional field trips.



(Rule 1240-4-6-.10, continued)

- (b) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that designated child care, contractor, or other entity staff perform daily the following inspections, followed by any necessary repairs or other appropriate actions, before beginning transportation of children for the child care agency:
  - 1. A visual inspection of the vehicle's tires for wear and adequate pressure;
  - 2. A visual inspection for working headlights and taillights, signals, mirrors, wiper blades and dash gauges;
  - 3. An inspection for properly functioning child and driver restraints;
  - 4. An inspection for properly functioning doors and windows;
  - 5. An inspection for the presence of safety equipment required by these rules or any other provisions of law or regulations, and repair or replacement as necessary based upon visual evidence of the need do so;
  - 6. A determination that the vehicle has adequate fuel; and
  - 7. An inspection for, and cleaning of, debris from the vehicle's interior.
- (c) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that the vehicles used to transport children receive regular inspections and maintenance by a certified mechanic in accordance with the maintenance schedule recommended by the vehicle manufacturer, and, in addition shall have the following vehicle equipment certified as inspected at least every four thousand (4,000) miles if not covered by, and/or serviced in accordance with the manufacturer's maintenance schedule:
  - 1. Brakes;
  - 2. Steering;
  - 3. Oil levels, coolant, brake, windshield washer and transmission fluids;
  - 4. Hoses and belts.
- (d) Beginning January 1, 2004, the Department of Safety will conduct annual vehicle safety inspections on all vehicles used by the child care agency directly, under contract, or under the control or direction of the agency designed by the vehicle manufacturer to carry ten (10) or more passengers. Any necessary maintenance or repair to the vehicles disclosed by the inspections shall be the sole responsibility of the child care agency.
- (e) All documentation of the child care agency or providers of transportation services for children under contract to the agency or under the agency's direction or control shall be made available upon request to Department staff.
- (f) No vehicle which does not pass the inspections required in subparagraphs (b), (c) or (d) shall be used by the child care agency or by its contractors, or others subject to the agency's direction and control, to provide transportation services until necessary repairs, as determined by the Department, have been made.

(Rule 1240-4-6-.10, continued)

(g) Passenger Restraints, Capacity Limitations and Cargo Requirements.

1. All children and adults riding in a vehicle used to transport a child to and from a child care agency, to and from school, or to and from field trips must be restrained by separate passenger restraint devices in the vehicle's seating area, at a minimum, as required by state or federal law or regulation, or, as otherwise required by these rules.
2. The total number of adults and children in vehicles used for the transportation of children enrolled in a licensed or approved child care agency shall never exceed the manufacturer's rated passenger capacity.
3. In a vehicle being used for the transportation of children enrolled in a licensed or approved child care agency, all cargo, luggage or equipment of any type shall be adequately secured at all times in such manner as to protect the passengers in case of accident or emergency maneuvers.
4. The provisions of this subparagraph (g) also apply to vehicles operated by any contracted transportation service for a licensed or approved child care agency, or for any other transportation service under the direction or control of a child care agency.

(h) Requirements for Child Care Transportation Vehicles Effective January 1, 2007.

1. Effective January 1, 2007 all vehicles that the child care agency operates, for which it contracts, or which are otherwise under its direction or control, that are designed to carry ten (10) or more passengers must conform to all Federal Motor Vehicle Safety Standards (FMVSS) governing either "large" school buses or "small" school buses, as applicable, in accordance with the provisions of the FMVSS described in 49 Code of Federal Regulations Part 571, or as such Part may be amended.
2. Effective January 1, 2007, if buses in either the "large" or "small" classes of school buses under the FMVSS are used, they must have factory-installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age who are to be transported on either a "large" or "small" school bus.
3. The requirements of this subparagraph (h) do not apply to vehicles used exclusively for the provision of occasional field trips.

(i) A minimum of ten (10) inches seat space per child is required in a vehicle transporting children.

(j) A vehicle used to transport children shall have fire extinguishers, emergency reflective triangles, a first aid kit and a blood-borne pathogenic clean-up kit, and an adult familiar with the use of this equipment on board. Emergency exiting procedures shall be practiced on a regular basis by all staff responsible for transporting children.

(k) The carrying, possession or storage of firearms or other weapons is prohibited in vehicles used to transport children.

(3) Vehicle Signage Requirements; Exceptions.

- (a) The requirements of this paragraph (3) are effective March 1, 2003, and are applicable to all vehicles used for the transportation of children enrolled in a child care agency licensed or approved by the Department, including vehicles operated by a contractor of the agency or vehicles operated by any other provider of services under the direction or control of the child care agency, unless specifically exempted by the provisions of subparagraph (e) below.

(Rule 1240-4-6-.10, continued)

- (b) All vehicles used for the transportation of children enrolled in the child care agency must, as determined by the Department, clearly and readily identify to the driving public that the vehicle is used for the transportation of children who are in child care.
  - 1. On each side of the vehicle the following information shall be displayed:
    - (i) The full name of the child care agency and emergency contact number for the agency in any font or color, including the agency's current logo and lettering scheme; provided that the lettering is not less than one and one-half inches (1½") in height and is clearly readable at a distance of fifty feet (50') on a stationary vehicle in daylight conditions; and
    - (ii) The words "Child Care Transportation Complaints" followed by the Department of Human Services' toll-free Child Care Transportation Complaint phone number in black lettering in a block font, not less than one and one-half inches (1½") in height. This text shall appear on a clearly contrasting background that is clearly readable at a distance of fifty feet (50') on a stationary vehicle in daylight conditions.
  - 2. On the rear of the vehicle the following information shall be displayed:
    - (i) The full name of the child care agency and the words "Child Care Transportation Complaints" followed by the Department of Human Services toll-free Child Care Transportation Complaint phone number in black letters in a block font not less than one inch (1") in height on a clearly contrasting background that is clearly readable at a distance of forty feet (40') on a stationary vehicle in daylight conditions.
    - (ii) The provisions of this part (2) shall not apply to passenger automobiles (excluding minivans) used for transportation by the child care agency with a manufacturer's rated seating capacity of six (6) or fewer passengers.
- (c) The information required in subparagraph (b) must be applied to the vehicle in one of the following formats:
  - 1. Painted directly on the vehicle in accordance with the paint manufacturer's instructions using paint recommended by the paint manufacturer as appropriate for use on a vehicle; or
  - 2. A weather-resistant sign securely fastened to the vehicle. The term "securely fastened" includes magnetic signs and signs bolted to the vehicle. The term does not include adhesives such as tape or glue unless recommended by the adhesive manufacturer as being appropriate for outdoor use on a vehicle.
- (d) Special Requirements for Centralized Transportation.
  - 1. Central operators or any other entity that may own or operate more than one child care agency and which may provide centralized transportation services for its child care agencies; and/or
  - 2. Contractors, or other transportation service providers under the direction or control of the child care agency, which may provide centralized transportation services to more than one child care agency may substitute for the name and phone number of the child care

(Rule 1240-4-6-.10, continued)

agency required by parts 1240-4-6-.10(3)(b)1. and 2. above the full name and emergency contact number of the central operator, contractor or other transportation service providers under the direction or control of the child care agency. If the name on the vehicle does not clearly designate the agency or entity as one providing child care transportation, words such as “Child Care Transportation Vehicle” or “Child Care Transportation Services”, or similar language approved by the Department, must be displayed on the vehicle in a manner that demonstrates, as determined by the Department, that the vehicle is providing child care transportation.

(e) Exceptions to Vehicle Identification Requirements.

1. Vehicles used exclusively for the provision of occasional field trips; and
2. Vehicles used exclusively for the limited provision of emergency transportation, e.g., as a result of the mechanical breakdown of the regular child care vehicle.
3. The Department may, in its discretion, determine if exceptions to the requirements of this paragraph (3) may be made for child care agencies owned, operated, or under the direction or control of a public agency. For purposes of this subparagraph (e), a “public agency” is any entity controlled, owned or operated by a state, county or local entity, or a political subdivision of the State of Tennessee.
4. The Department may, in its discretion, determine if certain child care agencies may be exempted from any or all of the requirements of this paragraph (3) due to facts which may clearly warrant such exemptions.

(4) Child Safety Restraints.

- (a) The provisions of this paragraph (4) shall apply to any vehicle used to transport children as of the effective date of these rules, unless stated otherwise by the rule. Any vehicle whether:
1. A passenger car;
  2. A stock or custom van or sport utility vehicle;
  3. A school bus classified as a “small” or “large” bus as required in FMVSS contained in 49 Code of Federal Regulations Part 571; or
  4. Any other vehicle must be properly equipped with the child passenger restraints required by subparagraphs (c)—(f) below and must comply with all other provisions of this paragraph (4).
- (b) Children under four (4) years of age shall never be placed in the front seat of the vehicle.
- (c) Children who weigh less than twenty pounds (20 lbs.) shall be placed to face the rear of the vehicle. Children who weigh twenty pounds (20 lbs.) or more shall be placed to face the front of the vehicle unless the special needs of a disabled child otherwise require the child to face the rear of the vehicle.
- (d) Children who weigh less than forty pounds (40 lbs.) shall be restrained in a Federally-approved child restraint device in accordance with the child restraint device manufacturer’s instructions. The child restraint device shall be secured to the vehicle in accordance with the child restraint device manufacturer’s instructions.

(Rule 1240-4-6-.10, continued)

- (e) Children Between Forty Pounds (40 lbs.) and Eighty Pounds (80lbs.).
    - 1. Children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) may be restrained in a belt-positioning booster seat (BPBS) that has been secured in accordance with the vehicle and restraint manufacturers' instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer's instructions. If, however, a BPBS restraint device is not used, the child shall be restrained in both a lap belt and a shoulder belt if available in the vehicle. If a lap and shoulder belt restraint system is not available in the vehicle, the child shall be restrained by a lap belt.
    - 2. Effective January 1, 2007, children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) shall be restrained in a belt-positioning booster seat (BPBS) in accordance with the BPBS manufacturer's instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer's instructions.
  - (f) Children Weighing More Than Eighty (80 lbs.) or Who are Taller Than Four Feet Nine Inches (4'9").
    - 1. Children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") may be restrained in an adult lap belt and shoulder belt that has been secured in accordance with the vehicle manufacturer's instructions. If, however, an adult lap belt and shoulder belt is not used, the child shall be restrained by a lap belt.
    - 2. Effective January 1, 2007, children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") shall be restrained in an adult lap belt and shoulder belt in accordance with the vehicle manufacturer's instructions.
  - (g) Passenger air bags shall remain turned off unless an adult or a child fifteen (15) years of age or older is riding in the front passenger seat of the vehicle.
  - (h) No child shall ride on the floor of a vehicle and no child shall be placed with another child in the same restraint device.
  - (i) Notwithstanding the provisions of this paragraph (4), until January 1, 2007, children of school-age (in kindergarten or any grade level above) shall not be required to use child restraints when being transported in school buses classified in the "large" category under FMVSS.
- (5) Supervision of Children During Transportation.
- (a) An adult must be in the vehicle whenever a child is in the vehicle.
  - (b) Adult Monitor Requirements for Child Care Transportation.
    - 1. An adult monitor, in addition to the driver, is required on the vehicle for the transportation of four (4) or more children ages six (6) weeks through five (5) years of age, who are not in kindergarten; provided, however an adult monitor, in addition to the driver, is required on the vehicle for all routes exceeding thirty (30) minutes for children ages six (6) weeks through five (5) years of age, who are not in kindergarten, regardless of the numbers of children being transported.

(Rule 1240-4-6-.10, continued)

2. An adult monitor, in addition to the driver, is required on the vehicle for the transportation of four (4) or more non-ambulatory children (permanent or temporary) of any age.
  3. On field trips off premises, the number of adults at the destination shall be double the requirements on the adult:child ratio charts in paragraph (4) of subchapter 1240-4-6-.07, Supervision and Grouping of Children; provided, however, the adult monitor referenced in parts 1 and 2 of this subparagraph (b) may be used for purposes of this requirement.
- (6) Limits on Time Children Are Transported/Transportation Waivers.
- (a) Children shall not spend more than forty-five (45) minutes traveling one way; provided, however, this provision is not applicable for occasional field trips.
  - (b) If extended transportation beyond the limits in subparagraph (a) is necessary in special circumstances, or as may be required by geographic factors, an individualized plan shall be established and signed by the parent(s) and the child care agency and approved by the Department prior to providing such transportation.
- (7) Except as otherwise exempted, the provisions of paragraphs (4)-(6) shall apply to all vehicles used for the transportation of children enrolled in a child care agency licensed or approved by the Department, including vehicles provided by a contractor of the agency or vehicles operated by any other provider of services under the direction or control of the child care agency.

**Authority:** T.C.A. §§4-5-202; 55-50-102(11) and (20), 71-1-105(5), 71-3-502(a)(2), 71-3-508(c), Acts of 2003, Public Chapter 412, §§1(c), 2, and 3, and 49 Code of Federal Regulations Part 571. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998. Amendment filed November 21, 2002; effective February 4, 2003. Amendment by Acts of 2003, Public Chapter 412, §§1(c) and 3 filed June 25, 2003; effective July 1, 2003. Amendment filed September 29, 2003; effective December 13, 2003.

#### **1240-4-6-.11 HEALTH AND SAFETY.**

- (1) Children's Health Records.
- (a) Before a school-age child is accepted for care, the center shall have on file a statement from the parent (or school) that the child's immunizations are current and that his/her health record is on file at the specified school which the child attends.
  - (b) A copy of each child's health history shall be on file in the child care center and available to the appropriate staff.
  - (c) Exceptions to requirements in subparagraphs (a) and (b) of this paragraph may be made only if:
    1. The child's physician or the health department provides a signed and dated statement, giving a medical reason why the child should not be given a specified immunization; or
    2. The child's parent provides a signed written statement that such immunizations conflict with his/her religious tenets and practices.
  - (d) If children with mental, physical, or other impairment or with a medical disorder are enrolled and special care is needed, their health records shall include a physician's statement which

(Rule 1240-4-6-.11, continued)

identifies the condition and which gives the physician's or other appropriate care professional's special instructions for the child's care.

- (e) Other requirements as set forth in Appendix F shall be applicable.

(2) Children's Health.

- (a) Children shall be checked upon arrival and observed for signs of communicable disease during the day. Symptomatic children (as described in Appendix F) shall be removed from the group until parents are contacted and health issues are resolved. Every sign of illness shall be reported to the parent as soon as possible but no later than the end of the day in which it occurred.
- (b) Accidents and injuries to children shall be documented, including date and time occurred, description of circumstances, and action taken by caregivers. Injuries of more than a minor nature shall be reported as soon as possible to parents but no later than the end of the day in which they occurred.
- (c) Prescribed and non-prescribed, internal and external medication shall not be administered to a child by center staff except under the direction of a physician or with the parent's written authorization. Medications or drugs shall be labeled with the child's name and specific instructions for administering them. Administration of medications and noticeable side effects shall be charted and reported to parents. Medication shall not be handled by children. (Exception: A physician's authorization for the current school year shall be on file for children who must have self-administered medication.) Medication shall not be administered in bottles or infant feeders unless authorized by a physician.
- (d) All medicines, prescription and non-prescription, shall be made inaccessible to children by storing them in a locked compartment or container. If medicine requiring refrigeration is kept in a refrigerator used for food storage, the medicine shall be put in a leak-proof locked container. Keys for these compartments shall be inaccessible to children.
- (e) Tobacco products, alcoholic beverages, and illegal drugs shall not be used in child care centers during hours of operation or in the presence of children, and a sign shall be conspicuously posted announcing this policy. (*Tennessee Code Annotated 39-17-1601* and 20 United States Code 6081 relative to restrictions on, or prohibition of, smoking around children may apply to your program. A comparison of these laws is included in Appendix A.)

(3) Staff Health.

- (a) Before beginning to work, all staff members shall have on file written evidence of a physical examination within the last three years and a statement that their general physical and mental condition will permit them to direct and actively participate in the activities of a group of young children with reasonable accommodation, if necessary. The form or statement shall have the signature or stamp of a licensed physician, a certified nurse practitioner, or a certified physician's assistant.
- (b) An updated statement of each staff member's physical health shall be obtained every third year or more often if deemed necessary by the Department. A statement of mental or emotional health shall be obtained from a psychiatrist or clinical psychologist when deemed necessary by the Department.
- (c) Each staff member (whether employed full-time or part-time), including volunteers, practicum students, and substitutes shall comply with the tuberculosis screening requirements outlined in Appendix F.

(Rule 1240-4-6-.11, continued)

- (d) For the protection of children and adults, the Centers for Disease Control guidelines for handwashing and diapering procedures shall be followed. (See Appendices F and I.)
  - (e) For the protection of children and adults, when blood is to be handled (e.g., resulting from injury to a child or adult, from nosebleed, or from spillage), vinyl or latex gloves shall be used and properly disposed of following use with/by one individual. Following blood spillage, surfaces shall be cleaned and sanitized.
  - (f) For general cleaning and sanitizing purposes, a fresh solution of one quarter (1/4) cup chlorine bleach to one (1) gallon of water (or one [1] tablespoon bleach to one [1] quart of water) shall be made daily.
  - (g) Other requirements as set forth in Appendices F and I shall be applicable.
- (4) Safety.
- (a) At least one staff member who has current certification or equivalent in infant/child CPR shall be on duty at all times. The initial course shall be a minimum of four hours and shall be taught by a currently certified CPR instructor.
  - (b) At least one staff member who has current certification or equivalent in infant/child first aid shall be on duty at all times. The course shall be a minimum of three hours and shall be taught by a certified first aid instructor.
  - (c) Current and comprehensive first aid information shall be available to all staff who interact with children and they shall be familiar with such information.
  - (d) A standard first aid kit (such as one approved by the American Red Cross), containing a thermometer, bandages, and other items, shall be available to the staff.
  - (e) Firearms shall not be on the premises of a child care agency or in the presence of a child. Kitchen knives and other potentially dangerous utensils or tools shall be secured so that they are inaccessible to children.
  - (f) The center, in consultation with appropriate local authorities, shall develop a written plan to protect children in the event of disaster and shall inform parents of the plan. The center shall implement these emergency procedures through timely practice drills to meet local regulations and shall maintain documentation of drills for one year.
  - (g) Emergency telephone numbers shall be posted next to the telephone and readily available to any staff member as follows: fire department, police department/sheriff, hospital, child abuse hotline, and local emergency management agency. Rescue squad, ambulance, and poison control center telephone numbers shall also be posted if available in the community. If a generic number (such as, but not limited to, 911) is operable in the community, it shall be posted in addition to the above numbers. Numbers where parents can be reached shall be readily available to staff.
  - (h) Other requirements as set forth in Appendices F and I shall be applicable.
- (5) Investigations Of Child Abuse And Neglect; Custodial Authority Of Children.
- (a) Any citizen is required by law to cooperate with the Department of Children's Services and other investigators by reporting any suspected child abuse and neglect to that Department.



(Rule 1240-4-6-.11, continued)

Suspected child abuse or neglect shall be reported immediately to the local Department of Children's Services office by the staff of the child welfare agency. Failure to do so for children in the care of the licensee is, by itself, grounds for denial or revocation of the agency's license.

- (b) A child care provider shall further cooperate by providing access to the records of children and staff and by allowing investigators to interview children and staff. (Child care providers do not have a right to be present during interviews with staff or children or to receive information or results of the interviews or investigations concerning child abuse or neglect unless directly related to efforts to enforce the child abuse or licensing laws.)
- (c) A child care provider shall protect the child by requesting the investigator's identification and by knowing who is entitled to custody of the child.
- (d) A parent/guardian shall be notified before the child leaves the premises except in emergency circumstances, or as follows: An investigator may take a child off the premises of the agency if he/she has obtained custody of the child through voluntary placement agreement with the parent, through court order or through emergency assumption of custody under *T.C.A. §37-1-113* without parental permission, or if the child's parent or legal guardian is present and approves, or in conjunction with investigative procedures under the child abuse laws.

**Authority:** *T.C.A. §§4-5-701 et seq., 71-1-105(12), and 71-3-501 et seq. Administrative History: Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998. Amendment filed November 21, 2002; effective February 4, 2003 (Formerly 1240-4-6-.10).*

**1240-4-6-.12 FOOD.**

(1) Nutritional Needs.

- (a) The person responsible for meal planning in the center shall follow the meal pattern and portion size guidelines of the USDA Child/Adult Care Food Program (CACFP). (See Appendix G for requirements applicable to children's nutritional needs pursuant to this section.)
- (b) The week's menus shall be planned and posted by the first day of each week so that parents can know the food their children are receiving. These menus shall be followed, although reasonable substitutes are permissible if the substituted food contains the same nutrients; substitutions shall be noted on menus.
- (c) Children in care shall be provided a meal or a supplement every three hours according to a normal feeding pattern as follows:

Three to five (3 - 5) hours: ..... One (1) feeding

Five to seven (5 - 7) hours:..... Two (2) feedings

Seven to ten (7 - 10) hours: ..... Three (3) feedings

Ten (10) hours or more: ..... Four (4) feedings (Nighttime care).

Children in nighttime care shall have no more than twelve (12) hours between feedings. See Appendix G for appropriate guidelines for meal/supplement patterns.

(Rule 1240-4-6-.12, continued)

- (d) Supplements (as defined in Appendix G) provided shall be simple and nourishing and planned as part of the day's food allowance. (A supplement shall have two of the following components: milk, bread product, vegetable or fruit, meat or meat alternate.) Supplements shall not be substituted for regular meals. Carbonated drinks, fruit ades, imitation milk, and candy shall not be served as part of the meal/supplement pattern.
  - (e) Breakfast shall be offered to children who arrive before 7:00 a.m. and who have not had breakfast at home.
  - (f) Special needs diets shall be served as prescribed by a physician.
  - (g) Food shall not be forced on or withheld from children. Foods served as part of the meal/supplement pattern shall not be used as reward; nor shall food be used or withheld as punishment.
  - (h) Meals or supplements prepared outside the center (e.g., sack lunches or catered food) shall be monitored by center staff. Appropriate foods shall be encouraged; highly inappropriate foods (such as chocolate covered creme donuts, petit fours, or soft drinks) shall not be served. (See Appendix G for suggested sack meals.)
  - (i) Meals and snacks shall be planned with consideration given to the total daily food requirements.
  - (j) Specific feeding instructions given by parents shall be in writing. If staff feel instructions to be inappropriate or in conflict with established policy, staff shall initiate discussion with parent to resolve the conflict.
  - (k) If feeding instructions for a named child are prescribed by a physician, they shall be in writing and followed as directed.
- (2) Meal Service.
- (a) Caregivers and children shall wash their hands according to prescribed handwashing techniques in Appendices F and I.
  - (b) Tables on which food is prepared and served shall be washed with soap and water and sanitized prior to and after snacks and meals. (See Appendix I.)
  - (c) Floors under tables on which food is served shall be swept and/or vacuumed after each meal and cleaned as needed.
  - (d) Napkins, individual forks, and/or spoons shall be provided for children. Individual dishes as necessary for the type of feeding shall be provided. Routine food service dishes and utensils shall be break-resistant.
  - (e) If children in grades K-3 are being served meals, appropriately sized tables and chairs will be available, and adults shall sit with them.

**Authority:** T.C.A. §§4-5-201 et seq., 71-1-105(12), and 71-3-501 et seq. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998. Amendment filed November 21, 2002; effective February 4, 2003 (Formerly 1240-4-6-.11).

**1240-4-6-.13 PHYSICAL FACILITIES.**

- (1) Plans. New construction, major renovations, and/or additions to existing facilities, and changes in occupancy shall comply with standards of the Fire Prevention Division of the Tennessee Department of Commerce and Insurance and of the Division of Food and General Sanitation of the Tennessee Department of Health. (See Appendices H and I.) Before construction begins, plans for new structures that will house or accommodate thirteen (13) or more children shall be drawn by a registered architect or registered engineer and shall be submitted to the Fire Prevention Division of the Department of Commerce and Insurance and to the local health department for approval. (However, renovation of an existing building may often only require a limited review, and in some cases plans may not be necessary. Please review "Requirements for Construction/Renovation of a Child Care Facility" in Appendix H for specific guidelines which shall be applicable to this section.)
- (2) Initial Approval. Facilities that have been unlicensed, relocated, and/or renovated as well as new construction, shall be inspected and approved initially by a representative from the State Fire Prevention Division or by their designee, and by an environmentalist from the Tennessee Department of Health or authorized county health department. Fire safety requirements and environmental standards in Appendices H and I shall be met before a license can be issued. Requests for inspections are made by the licensing counselor.
- (3) Continuing Compliance. Physical facilities shall continue to meet all standards in Appendices H and I and any updated fire safety or environmental standards.
- (4) Annual Inspection. All facilities shall be inspected and approved annually by either state codes enforcement officers or authorized local fire safety inspectors and by environmentalists. Exception: Public schools may not receive a fire safety inspection.
- (5) The center shall not be located in a building used for purposes which would be hazardous to the children or would prohibit outdoor play. [Exception: Inner city centers may not have outdoor play space. See Rule No. 1240-4-6-.09(l)(e).]
- (6) There shall be a working telephone in the center. If answering machines/voice mail must be used, they shall be monitored at thirty-minute intervals (except when staff and children are off premises) so that emergency messages can be received. Parents shall be informed that answering machines/voice mail are used.
- (7) Facilities shall provide at least thirty (30) square feet of usable indoor play space per child, not including restrooms, halls, kitchen, or office space. Each naproom must also contain thirty (30) square feet of floor space per child.
- (8) Outdoor play areas shall contain a minimum of fifty (50) square feet of usable play space for each child using the area at one time.
- (9) The areas where children play or are cared for shall be properly maintained. These areas shall be free of hazardous items or materials unless adequately protected by storage, inaccessibility, proper supervision, or other safety procedures. These areas shall present no conditions which are hazardous to children. All such areas shall be free of all animal wastes.

**Authority:** T.C.A. §§4-5-201 et seq., 71-1-105(12), and 71-3-501 et seq. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998. Amendment filed November 21, 2002; effective February 4, 2003 (Formerly 1240-4-6-.12).

**1240-4-6-.14 CARE OF CHILDREN WITH DISABILITIES.**

In addition to the preceding rules, if children with disabilities are cared for in the center, the following rules shall be met:

- (1) When children with disabilities are enrolled, all reasonable and appropriate efforts shall be made to provide those children equal opportunity to participate in the same program activities as their peers.
- (2) Adaptations to the environment shall be directed toward normalizing the lifestyle of the child with a disability by helping him/her become independent and develop self-help skills.
- (3) Efforts to provide specialized service (e.g., speech/hearing therapy, physical therapy, psychological evaluation, or services for mentally retarded) either directly or by referral, shall be conducted only with written permission by the parent/guardian and documented in the child's record. Any information exchange regarding these services shall also be documented.
- (4) The center shall have written individualized emergency plans, which have been approved by the licensing counselor and are practiced monthly, for every child with a disability enrolled who requires more assistance in emergencies than other children of the same age or in the same group.
- (5) If children are enrolled who lack independent toileting abilities, rules regarding diapering of preschool children shall apply. (See Appendix F.) Children shall be changed in a location designated for that purpose and which provides privacy from other children or adults.
- (6) The number of non-ambulatory children transported by one adult shall be limited to four.
- (7) Solid foods (including cereal) shall not be given in bottles or with infant feeders to children with normal eating abilities unless authorized by a physician.
- (8) Each non-verbal child's daily activities, including (as applicable to the individual child) time and amount of feeding, elimination, times of diaper changes, sleep patterns, and developmental progress, shall be recorded and shared with the parent(s) daily.

**Authority:** T.C.A. §§4-5-201 et seq., 71-1-105(12), and 71-3-501 et seq. **Administrative History:** Original rule filed May 26, 1998; effective August 9, 1998. Stay of effective date filed July 17, 1998; new effective date August 31, 1998. Stay of effective date filed by the Government Operations Committee of the Tennessee General Assembly on August 28, 1998; new effective date October 31, 1998. Amendment filed November 21, 2002; effective February 4, 2003 (Formerly 1240-4-6-.13).

**1240-4-6-.15 APPENDICES.**

- (1) The following appendices referenced in the foregoing rules are incorporated in these rules by reference. Any conflict between summaries of laws, rules, and regulations, and the actual laws, rules, and regulations shall be resolved by reference to the actual laws, rules, and regulations:

Appendix A -	I. Summary of Applicable Laws
	II. Questions and Answers About Child Care Licensing
Appendix B -	Vehicle Safety Check
Appendix C -	Sample Employee Performance Evaluations
Appendix D -	Equipment and Materials for Children
Appendix E -	Playground Surfacing

(Rule 1240-4-6-.15, continued)

- Appendix F - Health Requirements: Additional Rules, Symptoms of Illness, TB information, Handwashing and Diapering Procedures, and The Use of Chlorine Bleach As An Effective Sanitizing Agent
- Appendix G - Meal Patterns, etc. (definition of meal and supplements), Sack Meals
- Appendix H - Child Care Center Limited Review and Requirements for Construction/Renovation of a Child Care Facility
- Appendix I - Food and General Sanitation Requirements

**Authority:** T.C.A. §§4-5-202; 55-50-102(11) and (20), 71-1-105(5), 71-3-502(a)(2), and 49 Code of Federal Regulations Part 571. **Administrative History:** Original rule filed November 21, 2002; effective February 4, 2003.

### Appendix A

(1) Summary of Applicable Laws.

(a) Child Welfare Agencies.

1. Specifies the types of agencies that the Department of Human Services (DHS) has a mandate to license. Licensing of child care [less than twenty four (24) hour care] begins with five (5) children. Care for one (1) to four (4) children is exempt from licensing.
2. Provides for development of standards, based on certain criteria by a sixteen (16) member “standard committee” appointed by the Commissioner. Standards are to be reviewed (and revised, if needed) every five (5) years.
3. Requires DHS to provide applicants or licensees with assistance in meeting standards.
4. Requires annual application for a license and an application processing fee.
5. Upon receiving fire safety and environmental sanitation approval, provides that DHS will issue a ninety (90) day conditional license if no apparent hazards to the children in care are present.
6. Provides for denial, suspension, or revocation of license and a waiting period ranging from sixty (60) days to one (1) year prior to reapplication.
7. Provides for appeals and hearings before the Board of Review, which includes representatives from the Departments of Health, Education, of the “advisory council” of the Department of Children’s Services, of the “advisory board” of the Department of Human Services, from the appropriate Standards Committees, and three at-large members selected by the members mentioned above.
8. Imposes a misdemeanor penalty of imprisonment for six months or a fine of five hundred dollars (\$500) or both for each offense (day) of operating without a license.
9. Requires public agencies to meet the same standards as other child welfare agencies and a method of reporting to the public any uncorrected deficiencies.
10. Requires DHS to regularly inspect agencies without prior notice and grants the Department access to facilities and records in order to make an evaluation of the “kind and quality of work done” and to make recommendations regarding licensure.

(Rule 1240-4-6-Appendix A, continued)

11. Requires DHS to investigate reports of noncompliance.
12. Permits DHS to obtain injunctions to stop unlicensed child care operations which are subject to licensing.
13. Allows DHS to place a child care facility on probation for continued non-compliance.
14. Contains specified and defined exemptions for Parents' Day Out programs, kindergartens and "drop-in" programs. Also provides a waiver of adult to child ratios and group size requirements for certain Montessori schools.
15. Allows the Department of Children's Services (DCS) to investigate all reports of abuse, neglect, or sexual abuse (even in exempt agencies) and enables DHS to revoke the license of a licensed agency and allows DCS or DHS to enjoin a licensed or unlicensed person or agency from continuing to provide child care where abuse of children occurs.

(b) Access to Public Records.

Requires public bodies to provide any citizen of Tennessee access to public records except for specified confidential records (e.g., medical records, TBI investigative records, students' records). DHS' records on child welfare agencies are public records except as they may contain information obtained from the Department of Children's Services in the course of child abuse or neglect investigations.

(c) Child Protective Services.

1. Requires any individual or organization (such as child care agency, hospital, or school) having knowledge of suspected child abuse or neglect to report it to a juvenile judge, the Department of Children's Services (DCS) or a law enforcement official. (Look in your telephone book under "Child Abuse", or call the county DCS office or local law enforcement.)
2. Requires the identity of a reporting person to be kept confidential, subject to disclosure only by consent of the person or by judicial process. Provides immunity from civil or criminal liability if reports are made in good faith.
3. Gives DCS authority and responsibility to investigate reports of abuse or neglect.
4. Requires that all written records and information regarding investigations be confidential. Release of information is permissible to certain specified persons and agencies, including DHS, and to those having responsibility for administration of the law.
5. Charges DCS with the responsibility of conducting a continuing publicity and education program to encourage reporting and to strengthen and improve child sexual abuse detection, prevention, and treatment efforts.

(d) Federal Funding.

Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964 require agencies receiving federal funding to employ nondiscriminatory policies and practices in the provision of services and in employment practices. Persons receiving federal funding such

(Rule 1240-4-6-Appendix A, continued)

as reimbursement from the USDA Child/Adult Care Food Program, DHS vendor or Transitional Child Care payments, Social Services Block Grants (SSBG), Dependent Care Grant funds for school-age child care, etc.; and persons receiving federal support in the form of space, staff, services, equipment, etc., are required to comply with the following:

1. Title VI of the Civil Rights Act of 1964 by ensuring that no person (child, parent, or employee) in your agency “shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance”; and by employing nondiscriminatory policies and practices and advertising such.
  2. Section 504 of the Rehabilitation Act of 1973 by ensuring that no otherwise qualified handicapped person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program activity solely on the basis of a disability (applies to children, parents, and employees); and by making reasonable accommodations to serve or hire an otherwise qualified individual with a handicapping condition.
- (e) Child Passenger Protection and Safety Belt Use (Transportation); Possession of Commercial Driver’s License.
1. Requires any person transporting a child four (4) years of age and up to and through twelve (12) years of age to protect the child who is riding in any seat of a passenger motor vehicle through the proper use of a child or other passenger restraint system, including safety belts which meet federal motor vehicle safety standards.
  2. A fine of ten dollars (\$10.00) for a first violation may be submitted to the clerk of the court of the county where the violation occurred in lieu of appearance in court. A fine of twenty dollars (\$20.00) may likewise be submitted for second and subsequent violations.
  3. *T.C.A. §55-50-1020(11) and (12) (B)* requires the driver of a vehicle designed to carry more than fifteen (15) passengers (including the driver) to have a commercial driver’s license.
- (f) Administrative Rules and Procedures.
1. Provides for an administrative hearing of any contested cases (i.e., on denial or revocation of licenses), after proper notice which includes references to particular statutes and rules involved.
  2. Requires that hearings before the members of the Board of Review to be conducted by the administrative judge or a hearing officer, who rules on admissibility of evidence and other matters and otherwise ensures that proceedings are properly carried out.
  3. Allows the contesting licensee to be represented (at licensee’s own expense) by counsel.
  4. Allows the judge or hearing officer at his/her discretion or upon request of licensee or the Department of Human Services to schedule a prehearing conference in order to simplify or expedite the disposition of the appeal action.
  5. Requires that the hearing be open to the public.

(Rule 1240-4-6-Appendix A, continued)

6. Requires the final order be entered by the Board of Review. The final order shall include conclusions of law, factual findings, policy basis for the decision, prescribed remedy, and procedures and time limits for seeking judicial review.
7. Provides that while an application for a license is pending, an existing license does not expire until disposition of the application has been finally determined, unless the license must be summarily suspended pending completion of the proceedings because the Department determines that “public health, safety, or welfare imperatively requires” emergency action, and notifies licensee of that finding “pending proceedings for revocation or other action.”
8. Provides for informal hearing of notice of intent to place the child care agency on probation.

(2) Questions And Answers About Child Care Licensing.

- (a) How does a person get information about opening a child care agency?

The local county office of the Tennessee Department of Human Services will furnish information; a licensing representative will provide assistance free of charge to an individual or a group that is planning to provide child care.

- (b) How many children am I allowed to care for?

In Tennessee, a person without a license may care for no more than four (4) children. To care for five (5) to seven (7) children in addition to “related” children you must be licensed as a “family child care home” operator. To care for eight (8) - twelve (12) children, you must be licensed as a “group” child care home. (Under certain conditions, a group child care home may have up to fifteen (15) children.) Thirteen (13) or more children require a license for a child care center.

- (c) How is a license obtained?

1. After a completed application and the required fee are received, arrangements will be made for a representative to visit your facility and evaluate the child care operation and/or facility in accordance with the required standards in the rules which are also described in the standards booklet.
2. Before a child care center can be licensed, it must pass fire safety and environmental sanitation inspections. The licensing representative will explain the procedure for getting inspected.

- (d) What types of licenses are issued?

1. An “annual license” is granted when compliance with licensure requirements is confirmed by the Department.
2. A “conditional license” is granted to a new agency for ninety (90) days when it does not meet all the required standards, but there is evidence that an effort is being made to comply with the requirements and it has first met fire safety and environmental sanitation approval, and no apparent hazards to the children are present.

- (e) Who determines whether a license is issued?



(Rule 1240-4-6-Appendix A, continued)

The Commissioner has ultimate responsibility for issuance or denial based upon an evaluation and recommendation by a licensing representative of the Department.

- (f) Is the license permanent?

No, it is issued for up to one year. Prior to its expiration, an evaluation is made to determine whether compliance with requirements is being maintained and reissuance should be recommended.

- (g) Is there a fee?

Yes, the fee is payable upon application and is nonrefundable. The fee for child care homes is five dollars (\$5) for a family child care home and ten dollars (\$10) for a group child care home. The fee for a child care center is fifteen dollars (\$15) for less than fifty (50) children, twenty dollars (\$20) for fifty (50) to one hundred (100) children, twenty five dollars (\$25) for more than one hundred (100) children. and twenty five dollars (\$25) for a prescribed child care center.

- (h) Where is the license kept?

It must be posted in a conspicuous place in the child care center during business hours.

- (i) Are licenses transferable?

No. The license applies only to the agency, organization, and person(s) to whom it is issued. It also applies only to the building approved.

- (j) Does the same license for “child care” cover (1) nighttime care, (2) “drop-in” children, and (3) sick children?

1. Yes. An agency that provides less than 24-hour care to children during nighttime hours receives the same license as a child care agency operating during daytime hours, and one license covers both programs in the same agency. An agency cannot provide continuous 24-hour care for two or more children without a residential license from the Department of Children’s Services. If not licensed for child care, a residential license is needed for more than one child. Ask a licensing counselor about the procedure for obtaining a residential license.
2. “Drop-in” children are counted in the ratio and group and can be cared for only if required records are on file before they are cared for.
3. The child care center license also includes care of mildly ill children. Only mildly ill children (i.e., not “contagious”) should be cared for in a child care center and only then if staffing is adequate. Mild illnesses are generally those in a recuperative stage (e.g., getting over mumps or influenza).

- (k) Who enforces licensure requirements for a child care system?

If homes are approved as an extension of a child welfare agency’s license, the central operator (the licensee) is responsible for monitoring compliance. Otherwise, the Department of Human Services monitors the compliance of licensed homes within a system.

- (l) What is the procedure when a license is revoked, denied, or suspended?

(Rule 1240-4-6-Appendix A, continued)

The Department may deny, suspend, or revoke a license at any time by giving the owner, operator, or board a written notice by listing the specific reason or reasons for the action. Specified time periods are provided in the law. Any conduct or condition which might immediately jeopardize the safety of children shall be cause for immediate suspension of the license, pending the outcome of revocation procedures.

- (m) How can an operator or applicant appeal such action?

The licensing law provides for a board of review. If a license is denied or revoked by the Department, a request may be made for a hearing before the review board. An appeal of the decision from the review board may be judicially reviewed. The periods of time allowed for the appeals are set out in the law. Specific procedures are set forth in Chapter 1240-5-11.

- (n) Where do I call to file a complaint or get a license?

1. If you have a question about these standards, or if you want to report an unlicensed facility or a facility that is violating licensing requirements, call the DHS county office. It is listed in the telephone directory under Tennessee State Government - Human Services Department. Someone there will refer you to the licensing unit in your area.

If you want to open a child care facility, call that office before you do anything. You cannot care for a group of five or more children without a license.

2. If you have a question or concern about these standards or the licensing procedure, call or write:

Child Care Licensing Coordinator  
TN Department of Human Services  
Citizens Plaza Building  
400 Deaderick Street  
Nashville, TN 37248-9800  
Phone: (615) 313-4778

- (o) Comparison of State Law *T.C.A. § 39-17-1601 et seq.*, “Children’s Clean Indoor Air Act” with the Federal Public Law 20 USC 6081 et seq., “Pro-Children Act of 1994”

State

Federal

Children’s Clean Indoor Air Act  
*T.C.A. § 39-17-1601 et seq.*

Pro-Children Act of 1994  
20 USC 6081 et seq.

- |   |   |
|---|---|
| * restricts smoking in child care centers licensed by DHS   | * restricts smoking completely within child care facilities that are constructed, operated, or maintained with federal funds                                      |
| * does not apply to child care operated in private homes  | * does not apply to private residences, facilities funded by Medicare or Medicaid, or portions of indoor facilities used for inpatient drug or alcohol treatment. |
| * permits smoking in designated smoking areas where children are not permitted access; written notice of such an area must be | * preempts all state laws concerning smoking inside one of these facilities with the exception of state laws that are more restrictive than this act.             |

(Rule 1240-4-6-Appendix A, continued)

given to parents

- \* no smoking signs must be posted throughout the facility
- \* it is a class B misdemeanor with a maximum fine of \$500; there are no provisions for penalty of only a jail sentence.
- \* this law is preempted in part by the Federal Pro-Children Act of 1994

**Appendix B**

Sample Form  
Vehicle Safety Check  
Preventive Maintenance Check List

Vehicle No. \_\_\_\_\_ Agency \_\_\_\_\_

Use one column per day; write date in shaded area. Check each item (\*) if OK, (0) if item needs attention, and (x) if deficiency is corrected. Note any defects and/or corrections at the bottom of sheet. In addition, defects are to be reported to your supervisor.

Exterior ↓	Date → Checked									
Tires										
Turn Signals										
Body (cleanliness)										
Head Lights										
Mirrors										
Wipers										
Body (dents)										
Interior ↓										
Brakes										
Steering										
Safety Equipment										
Dash Gauges										
Seat Belts										
Cleanliness										
Under Hood ↓										
Oil										
Coolant										
Transmission Fluid										
W/W Fluid										
Belts/Hoses										
Brake Fluid										
Amount of Gas Added										
Mileage										
Driver initials										

Defects/Maintenance performed: \_\_\_\_\_

Remarks: \_\_\_\_\_

**Appendix C**

Sample Form  
Employee Performance Evaluations

Supervisor's Evaluation

Name \_\_\_\_\_ Position \_\_\_\_\_

	Poor	Fair	Good	Excel.	Comments
1. Attitude Toward:					
Children	_____	_____	_____	_____	_____
Parents	_____	_____	_____	_____	_____
Other Staff	_____	_____	_____	_____	_____
Interns	_____	_____	_____	_____	_____
Volunteers	_____	_____	_____	_____	_____
Program	_____	_____	_____	_____	_____
2. Ability to work with others	_____	_____	_____	_____	_____
3. Responsibility:					
Reliability when not supervised	_____	_____	_____	_____	_____
Initiative, taking responsibility	_____	_____	_____	_____	_____
4. Adaptability:					
Changing hours	_____	_____	_____	_____	_____
Working extra hours	_____	_____	_____	_____	_____
Helping with other groups	_____	_____	_____	_____	_____
Profiting from constructive criticism	_____	_____	_____	_____	_____
5. Performance:					
Work habits	_____	_____	_____	_____	_____
Program planning and follow-up	_____	_____	_____	_____	_____
Handling of behavior problems	_____	_____	_____	_____	_____
Playground super-					

(Rule 1240-4-6-Appendix C, continued)

vision	_____	_____	_____	_____	_____
Eating supervision	_____	_____	_____	_____	_____
Toileting supervision	_____	_____	_____	_____	_____
Resting supervision	_____	_____	_____	_____	_____
Conforming to policies	_____	_____	_____	_____	_____
6. Self-development:					
Willingness to attend conferences & courses	_____	_____	_____	_____	_____
Reading/studying	_____	_____	_____	_____	_____
Ability to accept & use training	_____	_____	_____	_____	_____
Comprehension of child care	_____	_____	_____	_____	_____
Understanding of age levels	_____	_____	_____	_____	_____
7. Attendance	_____	_____	_____	_____	_____
8. Punctuality	_____	_____	_____	_____	_____
9. Appearance:					
Good grooming	_____	_____	_____	_____	_____
Cleanliness	_____	_____	_____	_____	_____
Voice & speech	_____	_____	_____	_____	_____

Special Improvement Needed: \_\_\_\_\_

Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Employee's signature \_\_\_\_\_ Date \_\_\_\_\_

Source: Child Development Occupations, "Administration and Supervision," Atlanta Public Schools.

(Rule 1240-4-6-Appendix C, continued)

Employee Self-Evaluation

Please rate yourself in the following areas:

	Excellent	Good	Needs Improvement
<b>Curriculum:</b>			
1. Plans in cooperation with co-teacher			
2. Plans a variety of developmentally-appropriate activities			
3. Arrives punctually, prepared, and materials are ready			
4. Displays an understanding of child development and early childhood education			
<b>Parent Involvement</b>			
1. Relates professionally with parents			
2. Relates to parents at appropriate times			
3. Provides opportunities for parent conferences			
4. Classroom newsletters are sent home weekly or bi-weekly			
<b>Environment/Communication:</b>			
1. Greets each child and parent with a smile			
2. Follows cleaning and sanitizing procedures			
3. Completes daily report forms completely and correctly			
4. Shares information with co-workers			
5. Notifies director/administrative assistant of parent questions and concerns			
6. Follows leave and call-in guidelines			
7. Positions self on playground to provide for children's safety			

(Rule 1240-4-6-Appendix C, continued)

Employee Self-Evaluation  
(continued)

As an ECE teacher, I feel that my greatest strengths are:

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During the coming year, I would most like to improve in the following areas:

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Signature\_\_\_\_\_ Date\_\_\_\_\_



## Appendix D

### Equipment And Materials For Children

(1) Recommended Toys And Equipment For School-Age Children.

The following list of toys and equipment is intended as a guide. Toys need not be expensive. Many creative toys can be homemade. Safety should be of prime importance in choosing or making toys for very young children.

(a) Storage.

When both school-age and pre-school children are in the center, it is important that school-agers have a separate place for storing their materials and craft projects. Large cardboard boxes, plastic dishpans, or a special bookshelf could serve this purpose.

(b) Art Supplies.

All kinds of paper  
Scissors  
Glue, paste, tape  
Crayons, pencils, chalk, felt tip markers  
Tempera paint (powdered water-based paint)  
Clay, plasticene  
Old magazines  
Stapler  
Craft sticks  
Burlap and yarn needles

(c) Dramatic Play Props.

Old make-up, jewelry, combs, rollers  
Dress-up clothes for boys, as well as girls  
Dolls and doll clothes  
Cardboard boxes  
Old sheet or bedspread for tents, hide-outs  
Old Halloween costumes and masks  
Prop boxes (pet store, hospital, school, office)  
Puppets

(d) Toys for Quiet Times.

Construction toys  
Puzzles  
Blocks  
Small cars and trucks  
Books and magazines appropriate for age levels, book of games, book of magic tricks, book of brain teasers  
Board games and playing cards  
Checkers, connect four, chess, stratego

(e) Music.

Record player and records  
Cassette player and tapes  
Radio

(Rule 1240-4-6-Appendix D, continued)

(f) Equipment for Active Play.

Balls (football, kick ball, baseball, basketball)  
Bats  
Jump ropes  
Tether ball  
Bicycles and skates  
Croquet  
Badminton, horseshoes, ring toss  
Frisbee  
Parachute  
Tumbling mats

(g) Real Tools for Real Work.

Real tools for real work need to be made available for school-agers of both sexes in all the areas listed below.

1. Cooking.

Access to kitchen stove and small appliances  
Spoons, egg beaters  
Measuring cups and spoons  
Bowls and pans

2. Yard Work.

Rake, shovel, hoe  
Clippers  
Wheelbarrow

3. Building.

Scrap wood  
Hand saws  
Hammers and nails  
Screw driver, screws, nuts  
Paint

4. Sewing and Handwork.

Access to sewing machine  
Scrap fabric for sewing; burlap for embroidery  
Needles, pins, thread, tape measure, scissors  
Yarn, knitting and crochet needles

(2) Recommended Toys And Equipment For Preschool Children (2 1/2 - 5 Years).

(a) Furniture.

Tables: 18" high for 3-4 year olds;  
20" - 22" high for 4- and 5-year olds

(Rule 1240-4-6-Appendix D, continued)

Chairs: seats 10" high for 3-year olds;  
12" - 14" for 4- and 5-year olds  
Child-sized rockers  
Open shelves for play equipment: 36" high, 12" deep, 12" between shelves  
Lockers: 12" wide, 12" deep, 12" between shelves  
Screens to divide areas of activity: 38" X 48"  
Cots: 12" from floor;  
27" x 74" for 3-, 4-, and 5-year olds;  
Lightweight metal frames from which the canvas can be removed and laundered are desirable.  
Nap pads: Pads at least 2" thick covered in waterproof material

(b) Play Equipment and Materials.

Some equipment should be provided from each of the groups listed below. Many pieces of this equipment can be homemade. Sturdiness, durability, and safety are essential. Equipment should demonstrate good taste and design. Materials and toys which children can manage, move, and change (such as paint, clay, water, sand, and blocks), and which stimulate imagination contribute more to growth and development than toys which have only one use. At times, equipment for housekeeping play, art activities, and music and rhythm should be transferred to the outdoor area.

The following recommended list of equipment and play materials is arranged by play categories or interest centers so that play is focused and sustained, children are encouraged to play in small groups, and choices are available to children.

(c) Make-Believe Play.

Dolls, doll clothes, storage for doll clothes  
Doll carriage and bed (large and sturdy enough for a child to get into), bedding  
Dress-up clothes, old jewelry, hats, purses, suit case  
Child-size kitchen equipment: stove, sink, refrigerator, table, chairs  
Pots and pans, dishes, empty food containers, table cloth  
Child-size rocking chair, doll high chair  
Stand-up unbreakable mirror  
Old kitchen appliances such as toaster, mixer, or hair dryer (cords removed)  
Toy phones  
Storage containers

(d) Blocks.

Open shelf for storage  
Wooden unit blocks  
Large hollow blocks  
Boards  
Cars, trucks, airplanes, boats  
Wooden or vinyl people and animals

(e) Art.

Table and chairs  
Easel  
Open shelves for storage  
Boxes or dishpans for organization of supplies

(Rule 1240-4-6-Appendix D, continued)

All kinds of paper, glue and paste  
Easel brushes, blunt-end scissors  
Tempera paint, large crayons, felt-tip markers, chalk, finger-paint  
Scrap materials for gluing and pasting such as wood, fabric and paper scraps, buttons, straws,  
yarn  
Dough and clay

(f) Books/Language.

Book shelf, books, magazines  
Rug or floor pillows; upholstered sofa or chair; bean bags; child-size rocker  
Puppet stage and puppets  
Cassette player with recorded stories  
Flannel board and figures  
Magnetic Board and letters

(g) Nature and Science.

Table and shelves  
Collection of leaves, nuts, nests, rocks, seed pods, shells, etc.  
Magnets, magnifying glass, thermometer  
Cage for pets such as gerbils, guinea pigs, rabbits  
Animal food, bird seed  
Growing plants  
Bulbs and seeds, pots and soil  
Aquarium, Terrarium  
Balance scale

(h) Music and Rhythm.

Record player or tape player with records or tapes  
Rhythm instruments such as sticks, jingle bells, drums  
Piano, autoharp  
Hoops, scarves, streamers, balloons for moving to music

(i) Table Toys and Manipulatives.

Table and chairs  
Open shelf for storage; boxes or plastic containers to organize materials  
Puzzles, lotto games, pegs and pegboards, beads or spools for stringing, table blocks, counting  
cubes, parquetry blocks, lacing cards, matching games

(j) Water (for indoor and outdoor play).

Water tables, wash tub or dishpan, mop  
Plastic or linoleum for floor  
Plastic aprons for children, sponges, boats  
Plastic containers, pitcher, funnel, egg beater, detergent, food coloring

Collection of objects to demonstrate sink-float concepts  
Clean up supplies

(k) Sand (for indoor and outdoor play).

(Rule 1240-4-6-Appendix D, continued)

Sand table or sand box  
Broom and dust pans for indoor cleanup  
Plastic and metal containers  
Sprinkling cans or buckets, sifter, funnel, spoons, or shovels  
Small cars, trucks; wooden or vinyl people and animals

(l) Carpentry.

Work bench equipped with a vise  
Real hammers and saws  
Scraps of soft wood  
Nails and glue

(m) Cooking.

Table and shelf  
Small appliances, real cooking tools  
Cleanup supplies

(n) Vigorous Play and Outdoor Equipment -- Some items should be portable to be used indoors in bad weather if space permits.

Sand box (or table) with cans, spoons, small dishes, spades, buckets, molds  
Climbing structure such as jungle gym  
Horizontal ladder  
Saw horses with cleated boards and ladders of varying length  
Tricycles  
Packing boxes, plastic milk crates  
Wagons and wheelbarrows  
Hollow wooden blocks  
Swings with safety seats  
Balls of various sizes, bean bags  
Mounted steering wheels  
Concrete pipe sections or open barrel set in concrete  
Parachute  
Tubs for water play  
Large chalk  
Brushes and pails for water painting  
Gardening tools--rakes, shovels, hoe, watering can  
Showers or spray for use in warm weather  
Building materials and equipment, including wood, hammer, saw, nails, etc.  
Miscellaneous materials, such as rubber tires, tire tubes, length of garden hose, tools and ropes, and cardboard boxes help children to use imagination in play.

## Appendix E

### Playground Surfacing

(1) Playground Surface Materials.

- (a) A variety of surfaces on the playground provides flexibility and visual interest as well as enjoyment and learning experiences for children. Various play activities require or are facilitated by different surfaces. For example, concrete, asphalt, or hard-packed dirt are better than grass or sand for trike riding and hopscotch; while sand, pebbles, dirt or other “fluid” material are necessary for manipulative activities such as digging or pouring.
- (b) Climbers, swings, and other equipment which can take a child’s feet off the ground are in a “fall zone.” A fall of even six (6) inches can cause injury to a small child. The fall-zone area under and around equipment where children might fall and be injured shall be covered with impact-absorbing materials which will effectively cushion the fall of a child. According to the Consumer Product Safety Commission (which is mentioned in these standards for additional guidance), falls from equipment onto a hard surface account for 60% to 70% of playground related injuries, and injuries from falls are responsible for over half of all deaths of children after infancy.
- (c) Tricycles and other children’s vehicles are not included in this fall-zone rule, although consideration should be given to placing tricycle tracks within a resilient area and/or providing helmets.
- (d) Before the variety of materials is examined, another hazard should be considered. In landscaping a play area for children, make certain no poisonous plants, bushes, or grasses are used. The Department has a list of plants to avoid, or consult with your local Poison Control Center if in doubt. (A nursery may not be reliable since nurseries are not accustomed to that question.)
- (e) Whether loose-fill material or a “unitary” covering is chosen as a resilient surface, it should extend far enough to cover the fall zone, or at least 4 feet and preferably six (6) feet from all sides or perimeters of equipment where children could fall or be propelled (e.g., from arc of swing or exit end of slide).
- (f) Some surface materials are listed below, with advantages and disadvantages of each given, along with acceptable depth requirements. The range of depths is based on height of equipment in fall zone: the taller the equipment, the more resiliency needed. (Sources for this information are the Consumer Product Safety Commission’s 1992 “Handbook for Public Playground Safety” and “Caring for Our Children”, American Public Health Association/American Academy of Pediatrics [1992]). Administrators are advised to follow guidelines in one of these publications for construction, renovation, and maintenance of playgrounds and playground equipment.) Other materials are not precluded; if another material is chosen, use the suggested depth for a similar material (e.g., if cocoa mulch is chosen, use the greatest depth given for wood mulch).

(2) Natural/Loose-Fill Materials.

Note: Most are not easily accessible to wheel chairs.

- (a) Grass: Provides color and soft appearance to play area, esthetically pleasing. High maintenance. Wears off in high-traffic areas, leaving mud or hard-packed dirt; therefore, unacceptable as a resilient surface under climbers and swings.

(Rule 1240-4-6-Appendix E, continued)

- (b) Coarse sand: Dries fairly quickly (if good drainage system), good for manipulative activities (pouring, sifting, moving), is easily raked. (Sand play area must be apart from sand area around equipment. Sand play area must be covered when not in use and cleaned occasionally.) Depth: 6" min./Eqt. ht: 5 ft.; 12" min./Eqt. ht.: 6 ft. Moderate to high maintenance required because of need to rake when displaced and to clean occasionally. Can cause small cuts and possible eye injury if thrown. CPSC Handbook makes distinction among fine, medium, and coarse.
  - (c) Pea gravel: Drains well, can be played on immediately after rain, suitable for manipulative activities (in protected area away from equipment). Medium size is best (small size can be lodged in ears and noses, large size could cause injury if thrown and is difficult to walk on.) Scatters easily, not recommended for slopes. Depth: 6" to 12" depending on height of equipment. Low maintenance. Must be raked when displaced. Use caution when selecting; must be smooth "river rock."
  - (d) Rubber mulch: A newer product (untested as of this printing). Provides acceptable resiliency at 6" depth, drains well. Some types leave black marks or dust on skin and clothing. Some objection to heat generated by the sun and its combustibility. Low maintenance. Must be raked when displaced.
  - (e) Sawdust. Inexpensive and drains well when new. High maintenance, requiring a large amount for acceptable resiliency because it scatters easily and must be raked often; must be replaced often because of deterioration. Untested.
  - (f) Wood chips: Drain fairly well. Better drainage provided if placed over sand/dirt combination (perhaps with gravel/dirt layered system). Easily scattered, requiring occasional raking. Depth: 6" to 12" depending on height of equipment. Check for splintering. Rots, needing replacement. Moderate maintenance.
  - (g) Wood mulch: See wood chips for drainage information. Packs down, requiring raking. Less abrasive than sand. Depth: 6" to 12", depending on height of equipment. Rots, needing replacement on at least annual basis. Moderate to high maintenance.
- (3) Unitary Products.

These are of solid construction, usually rubber or rubber composition over foam mats or tiles, or they may be "poured." The CPSC "Handbook for Public Playground Safety" (1992 ed.) reads:

"Unitary materials are available from a number of different manufacturers many of whom have a range of materials with differing shock absorbing properties. Persons wishing to install a unitary material as a playground surface should request test data from the manufacturer that should identify the Critical Height of the desired material. In addition, site requirements should be obtained from the manufacturer because some unitary materials require installation over a hard surface while for others this is not required."

Their advantages are their low or no maintenance feature, consistent shock absorbency, wheelchair accessibility, and good footing. The primary disadvantage is the initial high cost; however, most are guaranteed for 5 years but may last longer. Some need to be installed by a professional--some on concrete, some on a level dirt/sand surface. (For more information, see CPSC Handbook.)

Artificial turf should not be used on playgrounds because of its lack of conformity to CPSC standards and because it causes carpet-type burns on falls.

## **Appendix F**

### **Health Requirements**

In addition to the rules in Section 1240-4-6-.11, these rules are also required of child care centers.

(1) **Immunization Rules.**

- (a) Age-appropriate immunization against the following diseases is required for every child nine (9) weeks of age and above: diphtheria, tetanus, pertussis, polio, measles, mumps, rubella, haemophilus influenza type B, and hepatitis B (and such vaccines and medications as deemed appropriate by the Department of Health in the event of a disease outbreak).
- (b) Records of children shall state whether immunizations required for care are complete, and if not complete, when future immunizations will be given. If immunizations are not continued on time by the parent, the child shall not remain in care. If a child has any known allergies, they shall be indicated in the child's health record. Foreign-born children shall also present evidence of tuberculosis screening.

(2) **Requirements for Tuberculosis Screening Of Child Care Populations.**

Agencies that provide care for periods of less than 24 hours per day shall comply with the following health regulations relating to tuberculosis control:

(a) **Staff.**

- 1. It is preferable that staff be screened for tuberculosis within 90 days prior to employment. However, if the situation dictates immediate hire, the staff person shall be screened for signs and symptoms of TB and obtain a mantoux tuberculin skin test no later than 2 weeks after employment.
- 2. In immediate hire situations, a TB Screening Inventory shall be completed on the staff person (see attached form entitled "Child Care Staff: Tuberculosis Screening Inventory). If the results of the screening inventory are negative, the staff person may begin work while awaiting the outcome of the mantoux tuberculin skin test. If the results of the screening inventory indicate the likelihood of a positive TB infection, the applicant shall be evaluated by a physician prior to beginning employment. This evaluation may include a chest x-ray and, if necessary, other specific tests. If the results of the mantoux tuberculin skin test are positive, the employee shall be evaluated by a physician prior to continuing employment. Persons requiring an evaluation by a physician shall provide documentation indicating that they are free of infectious tuberculosis.
- 3. Prospective or current staff who are known to have positive tuberculosis reaction shall receive a chest x-ray to rule out infectious tuberculosis. No x-ray is required for persons with documentation of completed preventive therapy. Screening for signs and symptoms of TB shall occur periodically.

(b) **Children.**

- 1. **Foreign-born.**

All foreign-born children shall present evidence of tuberculin skin test performed in the United States at any time after twelve (12) months of age. Any child with a positive tuberculin skin test shall be referred to a physician for evaluation. After the initial evaluation, future periodic screening is not required unless the child develops persistent pulmonary symptoms or there is contact with tuberculosis.



(Rule 1240-4-6-Appendix F, continued)

2. Native-born.

Special screening of children born in the United States is not required unless there is a history of contact to tuberculosis or there are symptoms and/or physical findings suggestive of tuberculosis. If symptoms are present, the child shall be evaluated by a physician. Such children shall provide documentation indicating that they are free of infectious tuberculosis.

Child Care Staff  
Tuberculosis Screening Inventory

Note: This inventory is not a self-evaluation. This form is to be completed by agency administrative personnel.

Name: \_\_\_\_\_ Status: (circle one:)      Applicant      Employee

Any child care applicant/employee with the following symptoms should be evaluated promptly for TB:

\_\_\_\_\_ persistent cough (i.e., a cough lasting three weeks or more), especially in the presence of other signs or symptoms compatible with active TB such as:  
\_\_\_\_\_ weight loss  
\_\_\_\_\_ night sweats  
\_\_\_\_\_ bloody sputum  
\_\_\_\_\_ anorexia  
\_\_\_\_\_ fever

If the above symptoms are indicated, the individual should not begin or continue employment until a diagnosis of TB has been excluded or until the person is on therapy and a determination has been made that the individual is noninfectious.

Inventory Results:

\_\_\_\_\_ indicated - medical confirmation of noninfectious status required  
\_\_\_\_\_ not indicated - no further action necessary

Signature: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Medical Confirmation:

\_\_\_\_\_ confirmation of noninfectious status received

Signature: \_\_\_\_\_

Date Received: \_\_\_\_\_

(3) Illness of Children in Care.

(Rule 1240-4-6-Appendix F, continued)

- (a) Children shall be checked upon arrival and observed for signs of illness during the day. Any child with the following symptoms shall be removed from the group until the parent is contacted and the health issue resolved.
    - 1. fever: axillary temp of 100 degrees F or more, oral temp of 101 degrees F or more, or rectal temp of 102 degrees.
    - 2. respiratory symptoms (difficult or rapid breathing or severe coughing).
    - 3. three (3) incidents of loose stool in a day or blood in the stool, especially with other symptoms, such as vomiting or fever.
    - 4. vomiting: two (2) incidents.
    - 5. eye drainage.
    - 6. unexplained rash (red or purple rash, welts that appear quickly, open sores) and burns.
    - 7. appearance/behavior (child acts or looks different than usual--unusually tired, lacks appetite; confused; difficult to awaken; change in color of skin, eyes, stool, or urine).
    - 8. obvious, severe pain.
  - (b) Parents of every child enrolled shall be notified immediately if one of the following communicable diseases has been introduced into the child care center: hepatitis A, foodborne outbreaks (food poisoning), salmonella, shigella, measles, mumps, rubella, pertussis, polio, haemophilus influenza type B, meningococcal meningitis. Providers shall report the occurrence of the above diseases to the local health department.
  - (c) Impetigo and diagnosed strep shall be treated appropriately for 24 hours prior to readmission to the center. Children having scabies or lice shall have proof of treatment to be readmitted. The center shall provide care and/or isolation for a child with a contagious condition only if written instructions of a licensed physician or certified health care provider are obtained first.
- (4) Personal Hygiene for Children.
- (a) Individual disposable tissues shall be available for wiping noses. Used tissues shall be disposed of properly and promptly, and hands shall be washed or sanitized immediately.
  - (b) Disposable wipes and towels are preferable, but if cloths are used, they shall be laundered after each use.
  - (c) If toothbrushes are used, they shall be labeled with the children's names. They shall be stored to air dry without contact with other toothbrushes. If toothpaste is used, care shall be taken for sanitary dispensing.
  - (d) If combs and brushes are used, each child shall have his/her own and shall be labeled and stored in labeled containers.
- (5) Handwashing Procedures.
- (a) Caregivers and other staff shall wash their hands well at the following times to reduce the likelihood of transmitting diseases:

(Rule 1240-4-6-Appendix F, continued)

1. Upon arrival at the center.
  2. Before preparing or serving food.
  3. After diapering a child or helping a child with toileting.
  4. After wiping a child's nose.
  5. After cleaning.
  6. After personal toileting.
- (b) The following steps shall be taken to wash hands properly:
1. Use soap and running water.
  2. Rub hands vigorously (for ten [10] seconds) as you wash them.
  3. Wash all surfaces, including:
    - (i) backs of hands.
    - (ii) wrists.
    - (iii) between fingers.
    - (iv) under fingernails.
  4. Rinse hands well. Leave water running.
  5. Dry hands with a single-use paper towel. (Cloth towels are not permitted unless used only once.)
  6. Turn off water using a paper towel instead of your hands.
- (c) Caregivers shall help children and teach them to wash their hands in the same manner:
1. Before preparing or eating food.
  2. After toileting.
  3. After playing outdoors.
  4. Frequently throughout the day.
- (6) Diapering/Toilet-Training Procedures.
- (a) All needed supplies shall be ready and accessible before picking up a child or starting to change a diaper: clean diaper and clothes, freshly dampened paper towels or pre-moistened towelettes. Note: If wash cloths are used, they must not be used more than once.

(Rule 1240-4-6-Appendix F, continued)

- (b) Place butcher paper, waxed paper, computer paper (printed side down), newsprint, or similar material over diapering surface. Newspaper is not acceptable because of possible lead content in the ink. The diapering surface shall be in good repair and shall be non-absorbent if no cover is used. The child's crib that he/she uses or a changing table are acceptable diapering areas; the floor is not. However, a mat on the floor is the most practical for a heavy toddler or an older disabled child.
- (c) As a child is picked up to be diapered, he/she should be held away from the body. When the child has soiled the diaper, the caretaker should use only his/her hands to carry the child. Lay the child on the diaper-changing surface.
- (d) Remove soiled diaper and clothes. Put soiled disposable diaper in a plastic bag or in a plastic-lined receptacle. (Cloth diapers are not recommended. If cloth is used, a toilet must be easily accessible to dump waste before putting diaper into plastic bag. Do not rinse diaper in toilet.) Place soiled clothes in another plastic bag, seal, and give to parents.
- (e) Clean child's bottom with a pre-dampened paper towel or towelette, wiping from front to back. Place used paper towel/towelette in the plastic bag with disposable diaper or in plastic-lined receptacle. (If the child needs washing completely, use soap and running water and clean and disinfect the sink immediately after diapering the child.)
- (f) Remove the paper or other surface cover from under the child and dispose of it in the plastic-lined receptacle.
- (g) The care provider should wash his/her hands with a pre-dampened towel/ towelette and dispose of it in the plastic bag or plastic-lined receptacle. If the care provider is wearing gloves, they should be thrown away in the same manner at this time.
- (h) Diaper or dress the child.
- (i) Wash the child's hands under running water or with a wet paper towel/ towelette. Note: If the care provider must walk away from the child at any time, the care provider must make certain the child cannot fall or must take the child with him/her.
- (j) Remove the child from the diapering area.
- (k) Clean (with soap and water) the diapering area, equipment and supplies touched during the diapering process, and any other soiled areas.
- (l) After cleaning, sanitize the diapering surface (and other items cleaned) with a solution of one quarter (1/4) cup chlorine bleach to one (1) gallon of water (or one [1] tablespoon bleach to one [1] quart water).
- (m) The care provider shall wash his/her hands in the manner prescribed in (b) above.
- (n) The plastic liner shall be sealed and emptied to an outside garbage receptacle as needed or at least twice daily.
- (o) When children are being toilet-trained:
  - 1. Help the child use the toilet.

(Rule 1240-4-6-Appendix F, continued)

2. Help the child wash his/her hands, and tell him/her that washing his/her hands will stop germs that might make him/her sick.
3. Place any soiled clothes in a plastic bag to take home at the end of the day.
4. If a potty chair is used, empty potty contents into a toilet. Wash the potty, but if possible do not rinse it in a sink used for washing hands. If it is a must to clean the potty in a sink other than one for that purpose, clean and disinfect the sink and all its exposed surfaces.
5. The caretaker shall wash his/her hands in the manner prescribed in (b) above.

Resource:

“Preparing for Illness: A Joint Responsibility for Parents and Caregivers”, distributed by NAEYC, charts a variety of symptoms, conditions, and their causes, as well as guidelines about when children should be excluded from care, and when additional medical advice is desired.

National Association for the Education of Young Children  
1509 16th Street, N.W.  
Washington, DC 20036-1426  
(202) 232-8777  
(800) 424-2460  
Fax: (202) 328-1846  
“Preparing for Illness” (NAEYC #706) \$2.00 each

- (7) The Use of Chlorine Bleach as an Effective Sanitizing Agent in the Child Care Setting.
  - (a) The Child Care Standards suggest using a solution of one quarter (1/4) cup of chlorine bleach to one (1) gallon of water, mixed fresh daily, as an effective sanitizing agent for cleaning surfaces and other inanimate objects that have been contaminated with body fluids. This solution represents five hundred to eight hundred (500-800) parts per million chlorine. Such a solution exceeds the concentration needed to adequately disinfect contaminated surfaces/objects as they routinely occur in the child care setting. In fact, solutions with much lower concentrations of chlorine have been proven to kill high numbers of bloodborne viruses such as HIV and Hepatitis B. Thus, the solution suggested in the standards is more than adequate as a sanitizing agent, providing the surface has first been cleaned (blood, urine, etc., have been removed by scrubbing and washing with soap and water). Consider the following example:
  - (b) Materials needed to safely remove a blood spill occurring on a non-porous surface which covers an area about the size of a dollar bill, and sanitize the surface:
    1. latex gloves;
    2. paper towels;
    3. soap and water;
    4. plastic bags;
    5. fresh bleach solution.
  - (c) Step-by-Step Procedure:

(Rule 1240-4-6-Appendix F, continued)

1. Put on the gloves.
2. Using paper towels, remove as much of the blood as possible and discard the soiled towels in a plastic bag.
3. Next, clean the surface by scrubbing it with soap and water. Dry the surface with paper towels. Discard all the towels used in this step in the plastic bag. At this point, most of the organic matter (blood, etc.) has been removed.
4. Discard the gloves in the plastic bag and tie the bag shut. Dispose of the bag in a plastic lined receptacle. Note: Throughout this process, be careful that you do not contaminate other surfaces or objects by touching them with the soiled gloves.
5. Finally, spray the surface with the bleach solution. The surface should be left glistening wet and allowed to air dry. A slight chlorine smell should be detectable as an indication that the solution is fresh. If a chlorine odor is not present, prepare a fresh solution. The chlorine bleach solution must be mixed daily because it evaporates over time. It is necessary to use clean water when preparing the bleach solution. If dirty water is used, it will lessen the parts per million chlorine that are effective as a sanitizing agent.

Although bleach solution is moderately corrosive, it is not toxic to children. Nevertheless, it should be kept out of the reach of children.

6. Wash your hands according to the CDC guidelines for handwashing.
  7. Warning: Do not mix undiluted bleach or the diluted bleach with other fluids, especially acids (vinegar, ammonia, etc.) as this will result in the rapid evolution of highly poisonous chlorine gas. (NHSPS)
- (d) In the event that the care provider is forced to handle a situation involving body fluids, such as the need to apply direct pressure to a wound, and there are no latex gloves available, it is advisable to use any suitable and available barrier to avoid direct contact with the body fluids. For example, tissues, paper towels, plastic wrap, or a folded cloth may allow the care provider to avoid direct contact with body fluids. In this case, common sense would suggest that any effort to avoid direct contact with body fluids is better than no effort at all should latex gloves not be available.

Sources:

Dr. Kerry Gately, Assistant Medical Director, Bureau of TennCare

Dr. Earline Kendall, Director of Teaching Education, Vanderbilt University

Dr. Gary Swinger, Medical Epidemiologist, Tennessee Department of Health

“Caring for Our Children”, National Health and Safety Performance Standards (a joint effort of the American Public Health Association and the American Academy of Pediatrics).

## Appendix G

### Meal Pattern/Portion Requirements

If needed, the meal planner should ask for help in planning meals from a nutritionist or dietitian. For centers on the Child and Adult Care Food Program (CACFP), the DHS staff nutritionist is available. The Department of Health, local colleges, and hospitals are also possible resources.

The minimum amounts of food components to be served are as follows:

(1) Breakfast.

Food Components	Age 1 and 2	Age 3-5	Age 6-12 <sup>1</sup>
Milk milk, fluid	1/2 cup <sup>2</sup>	3/4 cup	1 cup
Vegetables and Fruits  Vegetable(s) and/or fruit(s) or full-strength vegetable or fruit juice or an equivalent quantity or any combination of vegetable(s), fruit(s) and juice	1/4 cup  1/4 cup	1/2 cup  1/2 cup	1/2 cup  1/2 cup
Bread and Bread Alternatives <sup>3</sup>  bread or cornbread, biscuits, rolls, muffins, etc. or cold dry cereal <sup>4</sup>  or cooked cereal or cooked pasta or noodle products or an equivalent quantity of any combination of bread/bread alternate	  1/2 slice 1/2 serving 1/4 cup or 1/3 oz. 1/4 cup 1/4 cup	  1/2 slice 1/2 serving 1/3 cup or 1/2 oz. 1/4 cup 1/4 cup	  1 slice 1 serving 3/4 cup or 1 oz. 1/2 cup 1/2 cup

<sup>1</sup> Children age twelve (12) and up may be served adult-sized portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities for children age six (6) to twelve (12).

<sup>2</sup> A cup means a standard 8 ounce measuring cup.

<sup>3</sup> Bread, pasta or noodle products, and cereal grains shall be whole-grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour; cereal shall be whole-grain or enriched or fortified.

<sup>4</sup> Either volume (cup) or weight (oz.), whichever is less.

(Rule 1240-4-6-Appendix G, continued)

(2) Lunch Or Supper.

Food Components	Age 1 and 2	Age 3-5	Age 6-12
Milk milk, fluid	1/2 cup	3/4 cup	1 cup
Vegetables and Fruits Vegetable(s) and/or fruit(s) <sup>5</sup>	1/4 cup total	1/2 cup total	3/4 cup total
Bread and Bread Alternatives bread or cornbread, biscuits, rolls, muffins, etc. or cooked pasta or noodle products or cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate	1/2 slice 1/2 serving 1/4 cup 1/4 cup	1/2 slice 1/2 serving 1/4 cup 1/4 cup	1 slice 1 serving 1/2 cup 1/2 cup
Meat and Meat Alternates lean meat or poultry or fish <sup>6</sup> or cheese or eggs or cooked dry beans or peas or peanut butter, or other nut or seed butters or peanuts or soy nuts <sup>7</sup> or an equivalent quantity of any combination of meat/meat alternate	1 oz. 1 oz. 1 egg 1/4 cup 2 Tbsp. 1/2 oz.= 50%	1 1/2 oz. 1 1/2 oz. 1 egg 3/8 cup 3 Tbsp. 3/4 oz.=50%	2 oz. 2 oz. 1 egg 1/2 cup 4 Tbsp. 1 oz.= 50%

(See footnotes from breakfast pattern.)

<sup>5</sup> Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than 1/2 of this requirement.

<sup>6</sup> Edible portion as served.

<sup>7</sup> No more than 50% of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purposes of determining combinations, 1 ounce of nuts or seeds is equal to 1 ounce of cooked lean meat, poultry, or fish.



(Rule 1240-4-6-Appendix G, continued)

(3) Supplemental Food (Snacks).

Select two of the following four components. Juice may not be served when milk is served as the only other component. Milk and yogurt are too similar in nutritional value to be used together in the same supplement.

Food Components	Age 1 and 2	Age 3-5	Age 6-12
Milk			
milk, fluid	1/2 cup	1/2 cup	1 cup
Vegetables and Fruits			
Vegetable(s) and/or fruit(s)	1/2 cup	1/2 cup	3/4 cup
or full-strength vegetable or fruit juice	1/2 cup	1/2 cup	3/4 cup
or an equivalent quantity or any combination of vegetable(s), fruit(s) and juice			
Bread and Bread Alternates			
bread	1/2 slice	1/2 slice	1 slice
or cornbread, biscuits, rolls, muffins, etc.	1/2 serving	1/2 serving	1 serving
or cold dry cereal	1/4 cup or 1/3 oz.	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
or cooked cereal	1/4 cup	1/4 cup	1/2 cup
or cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
or an equivalent quantity of any combination of bread/bread alternate	1/4 cup	1/4 cup	1/2 cup
Meat and Meat Alternates			
lean meat or poultry or fish	1/2 oz.	1/2 oz.	1 oz.
or cheese	1/2 oz.	1/2 oz.	1 oz.
or eggs	1/2 egg	1/2 egg	1/2 egg
or cooked dry beans or peas	1/8 cup	1/8 cup	1/4 cup
or peanut butter, or other nut or seed butters	1 Tbsp.	1 Tbsp.	1 Tbsp.
or peanuts or soy nuts	1/2 oz.	1/2 oz.	1 oz.
or yogurt, plain or sweetened and flavored <sup>8</sup>	2 oz. or 1/4 cup	2 oz. or 1/4 cup	4 oz. or 1/2 cup
or an equivalent quantity of any combination of meat/meat alternate			

(See footnotes from breakfast and lunch patterns)

<sup>8</sup> Yogurt means commercially coagulated milk products obtained by fermentation that meet milk fat or milk solid requirements to which flavoring foods or ingredients may be added. These products are covered by the FDA's standard of identity for yogurt, lowfat yogurt and nonfat yogurt.

(Rule 1240-4-6-Appendix G, continued)

(4) Preparing Nutritious Sack Lunches.

- (a) If sack lunches are brought to a child care center, they shall conform to these guidelines from the Child and Adult Care Food Program (CACFP) of the USDA and United States Department of Health and Human Services (USDHHS). Share these with parents.
- (b) A sack lunch should give children the same nutrients as a hot lunch. It is recommended that the “Dietary Guidelines for Americans” and the “Food Guide Pyramid--A Guide to Daily Food Choices” be used in planning your meals. These guides emphasize low-fat choices, using sugars and sweets in moderation, using salt in moderation and increasing high fiber foods.<sup>9</sup>
- (c) Include foods that a preschool child can handle easily--finger foods such as small sandwiches, pieces of fruit, etc.
- (d) Pack lunch in a lunch box. Use a thermos for soups, milk, meat mixtures, cottage cheese, etc. Save small plastic containers to pack fresh vegetables, canned fruits, and salads.
- (e) Avoid foods containing meat, eggs, milk, or other items that need refrigeration if a refrigerator is not available--custards, puddings, chicken or egg sandwiches, etc. are not safe if unrefrigerated.
- (f) If desserts are packed, try to keep the guidelines in mind and choose low-fat, low-sugar selections. Fresh fruit or light-syrup canned fruits, fruited gelatin or plain puddings are suggested.

(5) Each Day Include Foods From Each Of The 4 Groups Below:<sup>10</sup>

(a) Meat Or Meat Alternate (1 To 2 Ounces).

Any kind of meat	Egg
Cheese	Roast beef
Egg salad	Turkey
Peanut butter (3 tablespoons)	Ham
Tuna or salmon	Chili
Chicken	Beef stew
Wieners	Luncheon meats
Cold chicken or meat from a previous supper	Navy, pinto or white bean soup

(b) Enriched Or Whole Grain Bread, 1 Serving (1/2 To 1 Slice).

Loaf bread	Muffins
Roll	Cornbread
Biscuit	Raisin bread
Buns	French bread
Crackers (5)	Banana bread

(c) Vegetables And Fruits, 2 Servings (1/4 To 1/2 Cup Each).

Select a vitamin C food every day and a vitamin A food 3 times a week.

<sup>9</sup> A good reference is “Making Healthy Food Choices.” Home and Garden Bulletin #250, UJ.S. Government Printing Office, Superintendent of Documents, Mailstop SSOP, Washington, DC 20402-9328.

<sup>10</sup> Serving size depends on child’s age. See CACFP meal pattern requirements.

(Rule 1240-4-6-Appendix G, continued)

Soup (any kind of vegetables)	Grapes
Cabbage	Peaches
Carrots	Apricots
Celery	Plum
Lettuce on sandwich	Pear
Tomato	Pineapple
Cauliflower	Raisins (or other dried fruit)
Cucumber	Fruit cocktail (drained)
Green pepper	Strawberries
Any cooked vegetable (drained)	Tangerines
Apple or applesauce	Watermelon
Cantaloupe	Any other fresh or canned fruit, or
Orange	100% juice
Banana	

- (d) Milk (1/2 To 1 Cup).

Whole milk is recommended for children 2 and under. Older children may be served lower fat milk.

(6) Easy-To-Pack Sources Of Vitamins A & C, And Iron

- |   |  |  |   |
|---|--|--|---|
| <p>(a) Vitamin A (3 days a week)</p> <p>Liver - fried, liverwurst<br/>Eggs - hard cooked, deviled,<br/>egg salad sandwiches<br/>Carrots - raw sticks, curls, or chunks<br/>Tomatoes, cherry tomatoes, juice</p>   | <p>Vitamin C (1 daily)</p> <p>Apricots - fresh, canned, dried<br/>Broccoli<br/>Cantaloupe<br/>Green pepper<br/>Spinach</p> |  |   |
| <p>(b) Vitamin C (1 daily).</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p>Orange - juice, sectioned, halved<br/>Grapefruit - juice, sectioned<br/>Tangerine - sectioned<br/>Cantaloupe<br/>Strawberries<br/>Cabbage</p> </td> <td style="vertical-align: top;"> <p>Green pepper<br/>Spinach<br/>Tomatoes, cherry tomatoes, juice<br/>Broccoli<br/>Cauliflower</p> </td> </tr> </table> |  | <p>Orange - juice, sectioned, halved<br/>Grapefruit - juice, sectioned<br/>Tangerine - sectioned<br/>Cantaloupe<br/>Strawberries<br/>Cabbage</p> | <p>Green pepper<br/>Spinach<br/>Tomatoes, cherry tomatoes, juice<br/>Broccoli<br/>Cauliflower</p> |
| <p>Orange - juice, sectioned, halved<br/>Grapefruit - juice, sectioned<br/>Tangerine - sectioned<br/>Cantaloupe<br/>Strawberries<br/>Cabbage</p>  | <p>Green pepper<br/>Spinach<br/>Tomatoes, cherry tomatoes, juice<br/>Broccoli<br/>Cauliflower</p>                          |  |   |
| <p>(c) Iron (as often as possible).</p> <p>Liver (liverwurst, fried liver)<br/>Lean meats (roast, meat patties, chops)<br/>Enriched bread<br/>Raisins and other dried fruits<br/>Enriched cereals (Product 19, Total, etc.)</p>   |  |  |   |

(7) Buying Tips For Sack Lunches.

- (a) Buy all meat hot dogs and cold cuts (these will be more expensive than home-prepared meats).
- (b) Buy fresh fruits in season.

(Rule 1240-4-6-Appendix G, continued)

- (c) “Snack-packed” fruits, salads, and puddings are more expensive than packing your own.
- (d) Avoid buying salty potato chips and other high-fat, high-salt items.
- (e) Avoid buying candies.
- (f) Avoid cakes, pies, and cookies.
- (8) Suggested Menus.
  - (a) Monday: cold chicken, celery sticks, roll, small apple, milk\*\*
  - (b) Tuesday: vegetable soup\*, cheese sandwich, cherry tomatoes, orange, milk\*\*
  - (c) Wednesday: mild chili\*, 5 crackers, 1 hard-cooked egg, tangerine, milk\*\*
  - (d) Thursday: tomato soup\*, ham sandwich, carrot sticks, canned pears, milk\*\*
  - (e) Friday: peanut butter sandwich, ½ deviled egg, cole slaw, ½ banana in jello\*, milk\*\*

\*Packed in thermos

\*\*Packed in thermos if not provided by center

## Appendix H

Child Care Center Limited Review  
(Renovations to Existing Buildings Only)  
Licensed for 25-99 Children and/or 2,000-5,000 Gross Square Feet

Plans have been reviewed for compliance with the 1994 "Standard Building Code", 1997 "Standard Mechanical Code", 1997 "National Fire Codes", and the 1974 State Public Building Accessibility Act (1991 "North Carolina Handicapped Code" with the 1996 revisions) or CABO/ANSI A117.1-1992. The following list does not necessarily include all deficiencies. See additional items on the cover sheet.

Please Note: Circled items require correction by revised plans, addenda, field orders, or change orders before plans can be approved for construction. Answers in letter form are not acceptable. Starting construction before plans approval may be considered as just cause, by the state, to issue a stop work order. It will also compromise, if not prevent, the issuance of a Certificate of Occupancy upon completion of the project. [0780-2-3-.10]

(1) Procedures.

- (a) Provide two copies of current plans and one copy of specifications stamped (sealed with signature and date) by a registrant in accordance with the Architects and Engineers Licensing Law Rules. [Rule 0780-2-3-.04 and A&E Rule 0120-2-.08(3)]
- (b) Complete and sign the plans review submittal form and remit the required fee. [Rule 0780] Prior to any approval being granted, this item must be resolved.
- (c) Provide on the cover sheet of the plans for new and existing buildings; construction type, (un)protected, (un)sprinklered, occupancy type per NFPA 101, number of stories, height of building, and area of building per SBC Table 500. Show area increase calculations per SBC 503.3. Include code references with edition dates.
- (d) All piping from the "point of service" including underground used for sprinkler system must be installed by a registered sprinkler contractor. [Rule 0780-2-7-.08] If there is an existing sprinkler system in the building, a registered sprinkler contractor must inspect, test, and provide a letter of acceptance for the existing system.
- (e) A Codes Enforcement Officer will inspect the existing building and issue an inspection report. Deficiencies found must be addressed prior to a Certificate of Occupancy being issued. [Rule 0780-2-3-.10]

(2) General.

- (a) Identify use of rooms and spaces.
- (b) Provide door and door hardware schedule and glazing schedule with sizes and types. Latching door hardware (interior and exterior) must meet NCHC 4.3.9(a) (1-4). (If required to be handicapped accessible.)
- (c) Provide interior finish schedule. Interior finish throughout must be Class A or B. [NFPA 101 10-7.3.3]
- (d) Provide legend for all rated wall enclosures to identify specific ratings and their limits for one and two hour walls.
- (e) Carpet in means of egress must be withstand 0.22 watts/cm<sup>2</sup> Radiant Panel Test (Class II). [SBC 807.7.2 and NFPA 101 10-7.3.3.2]

(Rule 1240-4-6-Appendix H, continued)

- (f) For how many clients will this child care facility be licensed? Will this project meet state adopted handicapped codes? Show this information on cover sheet of plans.
- (3) Site.
- (a) If this building will be licensed for handicapped children, provide a site plan showing handicapped accessibility from a designated parking space (96 inches wide plus sixty (60) inches wide aisle and above ground sign) to the primary entrance with any curb cuts, ramps, etc. [NCHC 3.2 and 3.4] See “Handicapped Correction List” for restroom and additional requirements.
- (4) Construction.
- (a) Show \_\_\_\_\_ hour separation between \_\_\_\_\_ and \_\_\_\_\_. [See SBC 303.1, 704, and Table 700 for site-specific values of variables.]
  - (b) Glazing in non-rated doors, sliding doors, storm doors, within 24 inches of doors, 18 inches above finished floor, and exceeding nine square feet within 36 inches of walking surface must be safety glazed, tempered, and pass the test requirements of CPSC 16-CFR, part 1201 and comply with ANSI Z97.1. [SBC 2405.1 and 2]
  - (c) Glazing in rated doors must be wired glass other tested glazing material and limited in size according to door rating. [SBC 705.1.3.6]
  - (d) Specify that fire rated doors have rated frames, positive latching hardware, closures, and other rated accessories. [NFPA 80 1-4 Definition of “Fire Door”, NFPA 80 1-6.1, 2-9, 3-6.2, and SBC 705.1.3]
  - (e) Rooms 50 square feet and more used for storage must be one hour enclosed with C-label 3/4 hour doors and hardware or protected by automatic sprinklers with smoke tight enclosure. [NFPA 101 10-7.3.2.1 and 6-4.1.2]
  - (f) Janitor’s closet must be one hour enclosed with C-label 3/4 hour door assembly or protected by automatic sprinklers with smoke tight partitions. [NFPA 101 10-7.3.2.2 and 6-4.1.2]
  - (g) Fuel fired water heaters with an aggregate input capacity that exceeds 200,000 BTU or 210° or 120 gallons or rooms 50 square feet and greater must be one hour enclosed with C-label 3/4 hour door assembly or protected by automatic sprinklers with smoke tight enclosure. [NFPA 101 6-4.1.2 and 10-7.3.2]
  - (h) Fuel fired furnace rooms must be one hour enclosed with C-label 3/4 hour door assemblies or protected by automatic sprinklers with smoke tight partitions [SBC 704.1.3.3, NFPA 101 10-7.3.2, and 6-4.1.2]
  - (i) Rated walls must extend tight against the underside of a roof or floor deck or to the underside of a rated smoke tight ceiling which has the same rating as the wall (e.g., two layers of 5/8 inch rated gypsum panels at the ceiling for one hour storage or janitor spaces and one or two hour rated walls turned horizontally and anchored to the walls for corridors, elevator, and stair shaft ceilings). [NFPA 101 6-2.2.2] Provide details.
  - (j) Provide test number and test assembly detail for rated wall to fluted deck connections (head-of-wall joints). Or provide a detail of material tested (compliance report) for this application, or a

(Rule 1240-4-6-Appendix H, continued)

design system proving the fire rating and smoke tightness. Provide certification letter from contractor after installation verifying compliance.

- (k) Provide one/two hour separation to maintain floor-to-floor separation [SBC 303.1, 704, and Table 700]. One hour rated floor/ceilings are required in existing two story houses converted into child care centers. Provide a one hour separation with B-label one hour door assembly at lower or upper floor stair systems.
  - (l) Provide attic access openings (22 inches by 36 inches) and attic ventilation within each draftstop area [SBC 2309.6 and 2309.7]
  - (m) Show draftstopping of attic area in type V and VI construction. Specify material to be used. [SBC 2305.2.3]
  - (n) Dead ends may not exceed 20 feet. [SBC Table 1004, SBC 1005.2, and NFPA 101 10-7.2.5.1]
  - (o) Closet door latches must comply with NFPA 101 10-7.2.2.2(f).
  - (p) Bathroom door locks must comply with NFPA 101 10-7.2.2.2(g).
- (5) Means Of Egress.
- (a) Provide a one/two hour stair enclosure with B-label 1-1/2 hour door assemblies (unexposed side cannot exceed 450° F.). [SBC Table 700 and SBC 705.1.3.4]
  - (b) Stair treads must be a minimum 11 inches and risers a maximum of seven inches, but not less than four inches. Stair nosing must not create a tripping hazard. [NFPA 101 5-2.2.2.1, 5-2.2.3.4, and NCHC 4.4]
  - (c) Handrails and guardrails must be in accordance with NFPA 101 5-2.2.4, SBC 1007.5, SBC 1015, and NCHC 4.4 (e.g., handrail and guardrail heights at 34 inches and 42 inches, respectively; handrailing on both sides of stairs; four inch diameter sphere; wall side handrail extensions). Guard rails are required on open side of stairs thirty (30) inches above floor surface. [NFPA 101 5-2.2.4]
  - (d) The floors on both sides of any door must be substantially level and at the same elevation. [NFPA 101 5-2.1.3.3 and SBC 1012.1.4]
  - (e) Each door within the means of egress must provide 32 inches of clear opening (and one foot clear on strike side of handicap accessible doors). [NFPA 101 5-2.1.3.1 and .2, and SBC 1012.1.1]
  - (f) Emergency windows are required (if unsprinklered and no doors to exterior from each student occupied space) and must provide a clear opening of 20 inches in width, 24 inches in height, 5.7 square feet, and be no more than 44 inches above finished floor. Operable latch must be within 54 inches above finished floor. [NFPA 101 10-7.2.11.1]
  - (g) Corridors serving thirty (30) people or more must be one hour rated with 20-minute door and hardware assemblies. [SBC Table 700, NFPA 101 5-1.3.5, and NFPA 101 10-3.6] Corridors may be rated at thirty (30)-minutes with 20-minute door assemblies in fully sprinklered buildings. [Office Policy] Corridors may be unrated when student occupied spaces have exterior doors to outside.

(Rule 1240-4-6-Appendix H, continued)

- (h) Exits must be remote. [SBC 1004.1.2 and NFPA 101 5-5.1.4]
  - (i) Panic hardware is required on all doors with a latch or lock in the means of egress from an area having an occupant load of one hundred (100) or more. [SBC 1021.2 and NFPA 101 10-2.2.2.2]
- (6) Mechanical.
  - (a) Fire dampers are required where HVAC duct penetrates one or two hour fire walls or floors. [SMC 610.1 and SBC 705.1.2.4] Show specific location per SMC 610.6.
  - (b) HVAC systems less than 2,000 CFM, but serving means of egress must have automatic shutdown. [SMC 406.2]
  - (c) Systems from 2,000 to 15,000 CFM must have duct mounted smoke detectors mounted in the supply duct downstream of all filters. [NFPA 90A 4-4 and SMC 406.1] Such detectors must be wired to a central control panel, which is constantly monitored, or be wired to a general building alarm. [NFPA 90A 4-4.4.3] A 136° firestat or duct mounted smoke detector must be located in each return plenum. [SMC 406.1]
  - (d) Provide fire/smoke combination dampers in transfer air grille openings through fire rated walls. A smoke damper is required at those openings for unrated walls that must resist the passage of smoke. [NFPA 101 6-2.3.5]
  - (e) Provide information showing combustion/ventilation requirements for fuel fire equipment. [SMC 704 and NFPA 54 5-3] Show size, free area, and location of vents (within twelve (12) inches above finished floor and twelve (12) inches below ceiling). Provide 1/4 inch mesh noncorrosive exterior screen. [SMC 615]
  - (f) Kitchen commercial cooking exhaust hood and duct system used for the removal of grease laden vapor must comply with NFPA 96 and SMC 504. Essential features must be described in the specifications or plans and shop drawings must be submitted and approved prior to installation. Hood suppression system must meet UL 300. Shop drawing information is generally a stipulation on the plans approval. Provide hood and duct design intent information.
- (7) Electrical.
  - (a) Provide emergency lighting with emergency power source for corridors and normally occupied windowless spaces. [NFPA 101 10-2.9 and 5-9.2 and SBC 1016.1.2]
  - (b) Exit signs must be visible from all directions of travel and have an emergency power source or be a listed self-illuminating type sign. [NFPA 101 5-10.1.2, 5-10.3.6, and SBC 1016.2.1]
  - (c) A fire alarm system is required with an emergency power source except for centers housed in one room. [NFPA 101 10-7.3.4.1, NFPA 72 1-5.2.5, and SBC 905.1]
  - (d) The fire alarm control panel or an annunciating device must be located in an area where trouble signals can be monitored (audibly and visually). [NFPA 72 1-5.4.6 and 1-5.7.1.1] This is to be distinguished from a general alarm system.
  - (e) The fire alarm must be transmitted directly to a municipal fire department or local fire brigade. [NFPA 101 10-7.3.4.4]



(Rule 1240-4-6-Appendix H, continued)

- (f) Initiation of the fire alarm must be by manual means, by operation of any required smoke detectors, and required detection devices or systems. [NFPA 101 10-7.3.4.2 and 7-6.2] Provide manual pulls at doors leading to stair exits, from exterior classroom, gymnasium, and cafeteria doors, and exterior corridor doors.
  - (g) Provide manual pull stations at \_\_\_\_\_. [See NFPA 101 10-7.6.2.3 for site-specific value of variable.]
  - (h) Fire alarm occupant notification must be by audible alarm. [NFPA 101 10-7.3.4.3 and 7-6.3]
  - (i) A system of interconnecting smoke detectors is required in front of stairway doors, at thirty (30) foot intervals throughout corridors, in lounges, recreation areas, and sleeping rooms. [NFPA 101 10-7.3.4.5]
  - (j) In area not continuously occupied, automatic smoke detection must be provided at each control unit(s) (i.e., fire alarm control panel, etc.) Heat detection is permitted if ambient conditions prohibit installation of smoke detection. [NFPA 72 1-5.6]
  - (k) Provide special protective receptacle covers. [NFPA 101 10-7.5.1.2]
- (8) Definition Of Some Terms Used In Fire Safety Inspections.

Addition - An extension or increase in floor area or height of an area or height of a building or structure.

Approved - Has met certain tests and standards and is acceptable to the authority having jurisdiction.

Authority Having Jurisdiction - the authority having jurisdiction is the organization, office, or individual responsible for approving equipment and installation or a procedure.

Building - Any structure used or intended for supporting or sheltering any use or occupancy. The term "building" shall be construed as being that building itself or any portion thereof.

Combustion - Capable of burning at a rapid rate.

Common Path of Travel - That portion of exit access that must be traversed before two separate and distinct paths of travel to two exits are available. Paths that merge are common paths of travel. Common path of travel is measured in the same manner as travel distance but terminates at that point where two separate and distinct routes become available.

Existing - that which is already in existence at the date when the code changes and goes into effect on existing buildings, structures or exit facilities.

Exit - that portion of a means of egress that is separated from all other parts and spaces of the building or structure by construction or equipment as required to provide a protected way of travel to the exit discharge.

Exit Access - That portion of a means of egress that leads to an entrance to an exit.

Exit Discharge - that portion of a means of egress between the termination of an exit and a public way.

Fire Barrier - A fire barrier is a continuous membrane, either vertical or horizontal, such as a wall or floor assembly, that is designed and constructed with a specified fire resistance rating to limit the

(Rule 1240-4-6-Appendix H, continued)

spread of fire, and that will also restrict the movement of smoke. Such barriers may have protected openings.

Fire Compartment - A fire compartment is a space within a building that is enclosed by fire barriers on all sides, including the top and bottom.

Fire Resistance Rating - the time, in minutes or hours, that material or assemblies have withstood a fire exposure as established in accordance with the test procedures of NFPA 251, "Standard Methods of Fire Tests of Building Construction and Materials".

Flame spread - the propagation of flame over a surface.

Full Review - Complete architectural sealed building drawings including site plan with fire hydrant location and flow data, handicapped parking (when licensed for handicapped); floor plan, elevations, wall sections, door, hardware, window, and finish schedules; rated wall limits and ratings; handicapped restrooms (when licensed for handicapped); sealed plumbing, heating, ventilation, and air conditioning, and electrical design drawings.

Guard - A vertical protective barrier erected along exposed edges of stairways, balconies, landings, etc. Guards shall not be less than 42 inches high. Open guards shall have intermediate rails or an ornamental pattern such that a sphere six (6) inches in diameter cannot pass through any opening. This is to keep small children from falling through the guards.

Handrail - A bar, pipe, or similar member designed to furnish persons with a handhold. (A handrail if of suitable design, may also serve as part of a guard.)

Hazardous Areas - Areas of structures, buildings, or parts thereof having a degree of hazard greater than the normal to the general occupancy of the building or structure, such as storage or use of combustibles or flammables, toxic, noxious, or corrosive materials or use of heat producing appliances.  
Horizontal Exit - A horizontal exit is a way of passage from one part of a building to an area of refuge in another part of the same building for a way of passage through or around a fire barrier to an area of refuge on approximately the same level in the same building that affords safety from fire and smoke from the area of incidence and areas communicating therewith.

Interior Finish - Interior finish includes interior wall and ceiling finish and interior floor finish. Interior wall and ceiling finishes are grouped in the following classes.

Class A: Flame spread 0-25 on the flame spread test scale and 450 or less on the smoke test scale.

Class B: Flame spread 26-75 on the flame spread test scale and 450 or less on the smoke test scale.

Class C: Flame spread 76-200 on the flame spread test scale and 450 or less on the smoke test scale.

Interior Floor Finish - Interior floor finishes are grouped in the following classes in accordance with the critical radiant flux ratings: Class I critical radiant flux minimum of 0.45 per square centimeter. Class II minimum of 0.22 watts per square centimeter. Where the use of Class II interior finish is required, Class I floor finish is permitted.

Level of Exit Discharge - the level of exit discharge is that floor or floors from which the exits are primarily doors that discharge directly to the outside of the building.

(Rule 1240-4-6-Appendix H, continued)

**Limited Review** - Sealed architectural design drawings of an existing building showing as-built floor plan with wall, door, and window locations; door, hardware, and finish schedules; any renovation work; type (gas or electric) and location of water heater and furnace equipment; fire alarm system; emergency lighting; and exit signs. A site plan showing handicapped parking is required when a day care center is licensed for the handicapped (handicapped restrooms must also be shown).

**Means of Egress** - A means of egress is a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists of three separate and distinct parts: An exit access, an exit and an exit discharge.

**Means of Escape** - A way out of a building that does not conform to the strict definition of means of egress but does provide an alternate way out.

**Noncombustible** - A material that, in the form in which it is used and under the conditions anticipated, will not aid combustion nor add appreciable heat to an ambient fire.

**Occupancy** - The purpose for which a building or portion thereof is used or intended to be used.

**Remote Exits** - This means two different ways to egress a building that has a fire protection rating which will ensure that if one way is blocked by fire and smoke, a person can take the other way out of the building.

**Self-closing** - Equipped with an approved device that will ensure closing after having been opened.

**Separate Means of Egress** - A means of egress separated in such a manner from other required means of egress to provide an atmospheric separation that precludes contamination of both means of egress by the same fire.

**Separate Atmosphere** - A separate atmosphere that exists between rooms, spaces, or areas that are separated by an approved smoke barrier.

**Separated Exit Stair** - The exit stair is separated by construction having at least a one (1) hour fire resistance rating for up to three (3) floors and a two (2) hour fire resistance rating for four (4) or more floors. This applies whether the stories are above or below the level of exit discharge. Any opening into the enclosure shall be protected by a fire door assembly equipped with a door closer. Openings shall be limited to those necessary for access to the enclosure from normally occupied spaces, from corridors and for egress from the enclosure.

**Smoke Barrier** - A smoke barrier is a continuous membrane, either vertical or horizontal, such as a wall, floor, or ceiling assembly, that is designed and constructed to resist the movement of smoke. A smoke barrier may or may not have a fire resistance rating. Such barriers may have protected openings such as rated fire doors.

**Smoke Compartment** - A smoke compartment is a space within a building enclosed by smoke barriers on all sides, including the top and bottom that offers a degree of protection from smoke.

(9) Procedures For Submitting Architect's Plans For Approval.

Q. Where do you start?

A. Begin the process by reviewing "Requirements for Construction/Renovation of a Child Care Facility" (Form 8175) found in this section of the appendix.

Q. What are the codes that apply to child care centers?

(Rule 1240-4-6-Appendix H, continued)

- A. There are two sets of codes that the State of Tennessee has adopted as the required minimum standards of fire prevention, fire protection and building construction safety. These two sets of codes are as follows:
1. "Standard Building Code", edition currently adopted by Codes Enforcement Section, Department of Commerce and Insurance shall be applicable; published by Southern Building Code Department of Consumer Information, 400 Montclair Road, Birmingham, AL 35213-1206. Telephone: (205) 591-1853.
  2. National Fire Protection Association's "Fire Prevention Code", (NFPA) No. 1 - edition currently adopted by Codes Enforcement Section, Department of Commerce and Insurance shall be applicable; published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, MA 02269. Telephone: 1-800-344-3555.
  3. In addition to the building and fire codes, the Tennessee State Architect's office has adopted the 1991 North Carolina Handicapped Code with the 1996 Revisions and the 1992 CABO/ANSI A117.1 to enforce the Tennessee Public Building Accessibility Act.

Q: What is a child care center as defined per the National Fire Protection Association (NFPA) 101 Life Safety Code (LSC)?

A: A child care center is a facility used to provide care, maintenance and supervision by persons other than their relative(s) or guardian(s) for 13 or more clients (children or adults) for less than 24 hours a day, without transfer of custody.

Q: Where a child care center houses more than one age group, what Code requirements apply?

A: Where a child care center houses more than one age group, the requirements for the younger shall apply unless the area housing the younger is maintained as a separate fire area. [Reference LSC 101 10-7.1.1.2]

Q: What state agency is required by law to review and approve design plans and inspect the construction of child care facilities?

A: The Division of Fire Prevention of the Department of Commerce and Insurance (State Fire Marshal's office) is responsible by law for the review and approval of design plans and inspection of the construction of child care facilities.

Q: What is the address and telephone number for the Department of Commerce and Insurance, Division of Fire Prevention, where plans are to be submitted?

A: The address and telephone numbers are as follows:

State of Tennessee  
Department of Commerce & Insurance  
Division of Fire Prevention  
Codes Enforcement Section  
Davy Crockett Tower  
500 James Robertson Parkway, 3rd Floor  
Nashville, TN 37243-1162  
Telephone: (615)741-7190  
Fax: (615)741-1583

(Rule 1240-4-6-Appendix H, continued)

Q: What form is required to be completed by child care operators, licensed architects, or engineers and received by the Division of Fire Prevention to start the plans review process?

A: Complete and submit a plans review submittal form (PRSF) to the Division of Fire Prevention's Codes Enforcement Section to start the review process.

Q: Is there a fee required for the review and approval of child care centers?

A: Yes, the fee is based on the estimated cost of construction of the child care center (excluding excavation and site preparation costs).

Q: How is the fee determined?

A: The fee is calculated based on the following:

1. If the estimated construction cost is one million dollars (\$1,000,000) or less, then the fee is calculated at one dollar and twenty five cents (\$1.25) per thousand or fraction thereof (with fifty dollars [\$50.00] being the minimum fee assessed).
2. If the estimated construction cost is one million dollars and one cent (\$1,000,000.01) or greater, then the fee is calculated at one dollar and twenty five cents (\$1.25) per thousand for the first one million dollars (\$1,000,000) plus seventy five cents (\$0.75) for each additional thousand or fraction thereof (with maximum fee eight thousand dollars [\$8,000.00]).

Q: Are there any exceptions to paying the full review fee?

A: Yes. In areas of the state that have an exemption from the state, the fee may be reduced by one-half, with the minimum fee remaining at fifty dollars [\$50.00].

Q: After providing the information required on the plans review submittal form (PRSF), and paying the fee, what else is required to be submitted?

A: Submit two complete sets of plans and one set of specifications sealed by an architect or engineer licensed within the State of Tennessee in accordance with the Architects and Engineers Licensing Law Rules.

Q: What is a complete set of plans?

A: A complete set of plans will include the following:

1. Civil drawings (site plan showing property lines, adjacent structures, fire department access, fire hydrant location and handicapped requirements.)
2. Architectural drawings,
3. Structural drawings,
4. Heating, Ventilation, and Air Conditioning (HVAC) drawings,
5. Plumbing drawings,
6. Electrical drawings,

(Rule 1240-4-6-Appendix H, continued)

7. Sprinkler shop drawings (if applicable).
8. Commercial kitchen hood and duct system shop drawings (if applicable).

Your architect may get a list of all requirements from the Fire Prevention Division.

(10) Requirements For Construction/Renovation Of A Child Care Facility.

(a) Child Care Facility Construction.

(i) New Construction Or An Addition.

- (I) Dept. Of Commerce & Insurance, Codes Enforcement Section  
State Fire Marshal's Office  
3rd Floor, Davy Crockett Tower  
500 James Robertson Parkway  
Nashville, TN 37243-1162  
Telephone (615)741-7190 Fax: (615) 741-1583

(II) Inspection & Review Required By State, Regional, & Local Offices

All new construction (foundation up) shall be submitted for review and approval prior to the commencement of construction.<sup>11</sup> All information as required for any project shall be submitted by a TN licensed architect or engineer to the (1) State Fire Marshal's office in Nashville and to the (2) local environmentalist (county health department). (3) Local Fire Divisions need also to approve plans since they can require some extra things.

(ii) Renovation Of An Existing Building (previously used as another occupancy)

Between 2,000 - 5,000 sq. ft. of usable floor space or compartmentalized with 2 hr. Fire walls/floor to ceiling into a child care area between 2,000 - 5,000 sq. ft. or where total number of clients will exceed 24 but not more than 99:

Inspection & Review Required By State, Regional, & Local Offices - Plans by a Tennessee licensed architect or engineer shall be submitted to the State Fire Marshal's office for review and approval, but will be subject to only a Limited Review.\* (A Full Review is required if there are over 5,000 sq. ft. or one hundred (100) or more clients.) Plans shall also be submitted to the county health department environmentalist, and the local fire division. (Requests for plans review and inspection of facility are made by a licensing counselor.)

(iii) Renovation Of An Existing Building (previously used as another occupancy or for child care but currently vacant).

Less than 2,000 sq. ft. or compartmentalized with 2-hour rated fire walls/floor to ceiling into a child care area less than 2,000 sq. Ft. and the center is to be licensed for 24 or fewer clients:

Inspection & Review Required By State, Regional, & Local Offices -The Codes Enforcement Officer (Regional) decides whether plan will have to be submitted to the

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<sup>11</sup> A list of fire safety requirements is available for architects through the Child Care Licensing Office.

(Rule 1240-4-6-Appendix H, continued)

Nashville State Fire Marshal's office for a Limited Review or if the work can be monitored in the field by the Codes Enforcement Officer. Plans shall also be submitted to the county health department environmentalist and the local fire division. (Requests for plans review and inspection of facility are made by a licensing counselor.)

- (iv) If a new building has been constructed as a Group Child Care Home and the owner chooses to be licensed as a child care center, within one year of occupancy:

Inspection & Review Required By State, Regional, & Local Offices -The Center's plans shall be submitted for review and approval as if it were new construction (Full Review). Any building over 5,000 sq. Ft. or that is to be licensed for 100 or more clients must be submitted for Full Plans Review.

- (v) If a new building has been constructed as a Group Child Care Home and the owner chooses to be licensed as a center, after one year of occupancy:

Inspection & Review Required By State, Regional, & Local Offices -If it exceeds 2,000 sq. ft. of usable floor space and will be licensed for more than 24 but fewer than 100 clients, plans by a TN licensed architect or engineer shall be submitted for review and approval for a Limited Review.

If less than 2,000 sq. Ft. or the building is compartmentalized with two-hour rated fire walls/floor to ceiling into a child care less than 2,000 sq. ft. and the center is to be licensed for 24 or fewer children, then the Codes Enforcement Officer (the state regional inspector) may use discretion to determine if the plans shall be submitted for Limited Review and approval.

- (b) Federal Americans With Disabilities Act.

All new and renovated centers must be physically accommodating and accessible. (Religious organizations and churches are exempt.)

To be in compliance with federal regulations, you must state on your Child Care Center Review Submittal Form that your Center will meet state adopted handicap codes. (Tennessee enforces the NCHC and CABO/ANSI A117.1 handicapped code.) Failure to do so means you risk federal lawsuits and your agency will not be eligible for any federal assistance, now or in the future.

All renovated areas of a facility must be physically accessible. (Church or religious organizations are exempt.)

No state agency monitors ADA compliance, but a federal lawsuit may be filed by an individual who feels discriminated against by a child care agency.

- (c) Fees.

The minimum fee charged by the Dept. Of Commerce and Insurance for a Plans Review inspection is \$50. A Plans Submittal Form will be forwarded from the Fire Marshal's office in Nashville for you to submit with your fee and plans.

The health department does not charge a fee for a Plans Review. However, if food is served, a food service permit is required by law. The Dept. of Health charges a minimum fee of \$50 for issuance of a permit, based on an inspection.

(Rule 1240-4-6-Appendix H, continued)

(d) Laws.

Section 504 Of The Rehab. Act Of 1973 & Title VI Of The Civil Rights Act Of 1964.

All Child Care agencies who wish to receive child care certificates, the Child Care Food Program, grants or loans, must complete a self-evaluation and sign an Assurance of Non-discrimination regarding handicap or disability and an assurance of non-discrimination regarding race, color and national origin.

The Department of Human Services monitors these laws.



## Appendix I

### Food And General Sanitation Requirements

(1) Food Sanitation.

In accordance with *T.C.A. § 68-14-303*, all child care centers preparing and serving meals shall obtain a food service permit. Facilities shall comply with state and local food service codes, ordinances, or regulations; otherwise the following standards shall be met for food sanitation:

- (a) All food shall be from sources approved or considered satisfactory. The use of hermetically sealed containers (home canned food) is prohibited.
- (b) All milk including dry milk powder shall be from Grade A pasteurized sources.
- (c) Raw fruits and vegetables shall be washed before use.
- (d) Poultry, poultry stuffings, stuffed meats, and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees with no interruption of the cooking process. Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees F.
- (e) If a family style feeding process is used at a facility, all leftover food from the eating table shall be discarded. Milk and food used in family style feeding shall not be placed on eating table longer than 15 minutes prior to beginning of meal. Food intended for family style feeding that has not been placed on the dining table and maintained at acceptable temperatures may be used at another meal, provided it is covered, refrigerated properly, reheated properly, and used promptly.
- (f) Potentially hazardous foods requiring cold storage shall be maintained at 45 degrees F or below, and accurate thermometers shall be kept in the refrigerators. Potentially hazardous food requiring hot storage shall be at an internal temperature of 140 degrees F or above. Frozen foods shall be maintained at a temperature of 0 degrees F or below. Thermometers shall be placed in all freezers and all other cold storage equipment.
- (g) Milk and other potentially hazardous foods shall be kept in the proper temperature ranges and be protected properly, except during necessary periods of preparation.
- (h) All dry food supplies shall be stored in closed containers. These foods shall be stored in a manner to prevent possible contamination and to allow for proper cleaning of the storage area. Containers of food shall be stored a minimum of six inches above the floor or on movable dollies.
- (i) All food shall be protected from contamination during storage, preparation, transportation, and serving.
- (j) No poisonous or toxic materials except those required to maintain sanitary conditions and for sanitization purposes may be used or stored in a food-service area of a facility.
- (k) All equipment and utensils shall be so designed and constructed of such material and workmanship as to be smooth, easily cleanable, and durable, and shall be in good repair.
- (l) The food-contact surfaces of equipment and utensils shall be easily accessible for cleaning, nontoxic, corrosion resistant, and constructed of nonabsorbent materials.

(Rule 1240-4-6-Appendix I, continued)

- (m) All equipment shall be installed and maintained to facilitate the cleaning thereof and of all adjacent areas.
- (n) All eating and drinking utensils shall be thoroughly cleaned and sanitized after each use with the exception of single-service utensils which shall be discarded following use.
- (o) Single-service articles shall be made from nontoxic materials and shall be stored, handled, and dispensed in a sanitary manner.
- (p) All utensils and food-contact surfaces or equipment used in the preparation, transportation, service, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use.
- (q) Cooking surfaces of equipment shall be cleaned at least once a day.
- (r) All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food-storage utensils, shall be thoroughly cleaned after each use.
- (s) Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
- (t) After cleaning and until use, all food-contact surfaces of equipment and utensils shall be stored and handled as to be protected from contamination.
- (u) In facilities designated by the Department of Human Services as existing, a two-compartment sink can be used for washing and rinsing utensils, provided an additional container or sink is used for sanitation of the utensils.

In facilities designated by the Department of Human Services as new, a three-compartment sink is required when manual dishwashing procedures are utilized for washing, rinsing, and sanitization of utensils.

Domestic type dishwashing machines are acceptable provided the temperature at the utensil surface is 160 degrees F after the end of one complete cycle. If 160 degrees is not obtained at the end of one complete cycle, an additional sanitizing rinse for utensils shall be provided in a separate container or sink.

Facilities which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

(2) Water Supply.

- (a) The drinking water supply serving child care facilities shall be from a source approved by the health authority having jurisdiction.
- (b) There shall be sufficient hot and cold water under pressure to supply the daily needs of a child care facility.
- (c) Water from a public supply shall be utilized where possible.

(Rule 1240-4-6-Appendix I, continued)

- (d) An approved drinking fountain or individual single service paper cups shall be provided in rooms or adjacent to rooms regularly occupied.
  - (e) All equipment shall be clean and in good repair.
- (3) Sewage Disposal And Plumbing.
  - (a) Connection to a public sewage disposal system shall be made where possible.
  - (b) The use of a private sewage disposal system shall have the approval of the local health department and it shall be operating satisfactorily.
  - (c) When the private sewage disposal system at an existing facility fails and where a public sewage system is available, the facility shall be connected.
  - (d) Plumbing shall be installed and maintained in such a manner as to prevent the possibility of cross-connection, back siphonage, or sewage leaks.
- (4) Solid Waste.
  - (a) An adequate number of suitable storage containers approved by local health authorities shall be provided and shall be kept clean and in good repair.
  - (b) All garbage containers and the immediate area shall be kept clean.
  - (c) Storage containers, other than bulk, shall be secured properly to prevent spillage.
  - (d) Garbage deposited in outside bulk storage shall be in fly-tight containers (i.e., plastic bags).
  - (e) All garbage shall be removed from the building daily.
  - (f) Garbage and rubbish shall be collected from the premises at least twice weekly.
  - (g) At facilities where twice weekly collection is not provided, all garbage and rubbish shall be disposed of in a manner acceptable to the health authority having jurisdiction (supplement collection by individual hauling, acceptable burying, etc.).
  - (h) Combustible rubbish may be burned, provided such burning meets all local and state laws and regulations relative to incinerators, incineration, and air pollution.
- (5) Toilets, Handwashing, And Bathing.
  - (a) There shall be at least one flush toilet and one handwashing facility for every twenty (20) children.
  - (b) All facilities shall be approved and in good repair, and clean.
  - (c) A tightly covered container with plastic liner shall be used for diaper disposal and stored inaccessible to children. This container shall be emptied by closing the liner and disposing of it into an outside garbage receptacle.
  - (d) There shall be soap, hot and cold water under pressure, and individual towels provided wherever a handwashing lavatory is located.

(Rule 1240-4-6-Appendix I, continued)

- (e) Personnel shall exercise good handwashing practices following diaper changes, the assistance of children in toilet use, and personal toileting.
  - (f) Proper adult supervision shall be exercised for use of toilet and handwashing facilities.
  - (g) Toilet tissue shall be provided at each commode.
  - (h) Handwashing and bathing water for children shall be provided under pressure at a temperature of at least 90 degrees F and not greater than 120 degrees F without manual adjustment of the faucets.
- (6) Buildings.
  - (a) Structure.
    - 1. The building foundation, roof, walls, and window frames shall be free of visible cracks and unsealed openings to prevent entrance of insects and rodents.
    - 2. Buildings shall be kept clean, in good repair, and painted when necessary.
    - 3. Gutters and downspouts shall be kept in good repair.
  - (b) Floors shall be clean and in good repair.
  - (c) Walls and ceilings shall be kept clean and in good repair.
  - (d) Doors and Windows.
    - 1. All doors and windows shall be kept clean and in good repair (this includes screens when used).
    - 2. Window space shall be equal to at least ten percent (10%) of the floor area except in rooms which are air-conditioned and which have artificial light amounting to at least twenty five (25) foot candles.
    - 3. Windows shall be openable unless the room is air-conditioned.
    - 4. All outside doors and windows shall be screened unless building is air-conditioned.
- (7) Bedding.
  - (a) Where provisions are made for staying overnight, each occupant shall be provided an individual bed with acceptable mattress and waterproof cover, springs, clean linen, and clean cover.
  - (b) Where children are kept at least six hours but not overnight, individual cots or other approved bedding with minimum two-inch thickness shall be provided and kept clean and in good repair. Clean covers are also necessary.
  - (c) Clean individual floor mats for napping may be used instead of cots. Spacing shall be adequate to promote freedom of movement (approximately two feet between cots and mats).
- (8) Lighting: Natural and/or artificial lighting shall be distributed throughout the child care facility at the following ratio:

(Rule 1240-4-6-Appendix I, continued)

- (a) Classroom and playroom - twenty five (25) foot candles;
  - (b) Food preparation surfaces, food service equipment or utensil-washing work levels, food service utensil and equipment, storage areas, and in lavatory and toilet areas - twenty (20) foot candles;
  - (c) Walk-in refrigeration units, dry food storage areas, other storage areas, halls, and closets - ten (10) foot candles.
- (9) Heating And Ventilation.
  - (a) All rooms used by children shall be heated by a system capable of maintaining a temperature of 68 degrees F.
  - (b) When the outside temperature is 65 degrees F or below the temperature at child height within the facility shall be no lower than 65 degrees F nor higher than 75 degrees F.
  - (c) Stoves, hot radiators, steam and hot water pipes, or other objects and electrical outlets in rooms used by the children shall be adequately protected by screens, guards, insulation, or suitable measures that will protect children from coming in contact with them.
  - (d) Heat and ventilation units shall be clean and in good repair.
- (10) Insect And Rodent Control.
  - (a) The facility shall be reasonably free from flies, other insects, and breeding sites.
  - (b) Approved screens in good repair shall be provided for all doors and windows used for ventilation purposes.
  - (c) When air-conditioning is used, doors and windows shall be kept closed.
  - (d) The facility shall be free of rodents.
  - (e) There shall be no rodent harborage areas.
  - (f) Proper supervision and caution shall be exercised according to label instructions when applying approved insecticides and rodenticides.
- (11) Safety.
  - (a) All insecticides, medicines, polishes, disinfectants, and cleaning compounds shall be stored in a manner approved by the local health authority.
  - (b) Sturdy safety rails shall be provided for ramps and steps where there are three or more risers.
  - (c) Bathtubs, if used, shall be provided with safety strips or mats.
  - (d) Glass in hazardous locations in the facility shall be shielded when safety glass is not used. Broken glass objects shall not be permitted in any part of the building or on grounds.
  - (e) All furniture and the building shall be of durable construction, free of sharp projecting corners or surfaces and kept clean and in good repair.
  - (f) Grounds shall be free of hazards that are likely to cause falls.

(Rule 1240-4-6-Appendix I, continued)

- (g) Buildings and grounds shall be free of any unprotected, abandoned well, cistern, refrigerator, or similar hazards.
  - (h) Fencing or other acceptable barriers shall be provided for hazardous drainage ditches, cliffs, traffic, or similar hazards.
  - (i) Grounds shall have adequate drainage.
  - (j) Adequate barriers, such as fencing, shall be provided and supervision exercised to prevent children from running on driveways, streets, or highways where a traffic hazard exists.
  - (k) All play equipment shall be safe and in good repair.
  - (l) Products or processes which emit harmful odors and fumes or leave harmful residues shall be used after business hours and according to manufacturer's label directions.
  - (m) Disinfectants, if required for sanitation and disease prevention in child care facilities, shall be used according to label directions. Adequate ventilation shall be provided.
- (12) Swimming Pool.
- (a) Facilities located in municipalities or counties that have an adopted swimming pool ordinances or regulations shall comply with those ordinances or regulations where applicable.
  - (b) Facilities located in municipalities or counties that do not have an adopted swimming pool ordinance or regulation shall comply with the Hotel, Food Service Establishment, and Public Swimming Pool Inspection Act of 1985 where applicable.
  - (c) Facilities utilizing a swimming pool on-site or at another location shall be assured of an approved lifeguard, or the number of guards required, on duty.
  - (d) Wading pools at child care facilities shall have adult supervision and approved recirculation/sanitation equipment providing automatic chlorination.
- (13) Control Of Animals.
- (a) If live animals or birds are kept in classrooms as pets, they shall be caged; cages shall be kept clean. [Turtles shall not be kept as pets because (a) a proper environment is elaborate and difficult to achieve and (b) they are carriers of salmonella.]
  - (b) In all cases, animals and birds shall not be allowed in areas of food storage, preparation, or service.
  - (c) Pets requiring vaccination against rabies shall be currently protected, evidence of which shall be on file.
  - (d) Uncaged pets shall not be kept in outdoor play area.